

APPENDIX D
Agency Comments on Draft EIS
and Preferred Alternative



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 04 2003

REPLY TO THE ATTENTION OF:

B-19J

David Platz, Field Operations Engineer
Federal Highway Administration
567 D'Onofrio Drive
Madison, Wisconsin 53719-2814

Re: Comments on the DEIS for Wisconsin State Highway 83 (County NN to WIS 16) in Waukesha County, Wisconsin - EIS No. 030471

Dear Mr. Platz:

In accordance with the U.S. Environmental Protection Agency's (U.S. EPA's) responsibilities under both the National Environmental Policy Act and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for the proposal to provide additional highway capacity on Wisconsin State Highway 83 (WIS 83) in Waukesha County, Wisconsin. According to the DEIS, the project is needed to: address traffic demand, address existing highway deficiencies, improve safety, preserve the highway corridor, and minimize environmental disturbance. On April 18, 2003, we provided the Federal Highway Administration (FHWA) with concurrence with the Purpose and Need for the project and with the range of project alternatives.

The DEIS evaluates a number of initial alternatives for the highway; alternatives are proposed for seven highway sections. The initial build alternatives are screened, resulting in refined roadway alternatives. Each refined roadway alternative is a two- or four-lane alternative with various urban and hybrid urban/rural cross-sections. The section between County Road X and County Road DE/E includes a "four-lane corridor preservation alternative," which would be implemented if and when a 13,800 annual average daily traffic threshold is reached for that section. Finally, the DEIS includes an off-alignment segment alternative in the Genesee Depot area. We have the following comments about the DEIS:

We are concerned about the proposed project's potential to impact trout habitat in the study area. WIS 83 crosses three high quality trout streams in the project area: Scuppermong Creek, Genesee Creek, and Spring Brook. Siltation from the project can degrade the trout habitat in these streams. Also, wetland impacts from the project can reduce the groundwater recharge to these streams. Unfortunately, the DEIS does not provide a description of the trout habitat in the project area, nor does it describe the project impacts to this habitat. The final environmental impact statement (FEIS) should provide this information, and include an appropriate mitigation strategy.

1

We have additional comments about Scuppernong Creek, because of potential impacts to the creek's headwaters, and because WIS 83 runs parallel to the creek. WIS 83 crosses Scuppernong Creek at the creek's headwaters. Headwater wetlands receive a significant amount of organic matter from upland sources; this organic matter is broken down by biological activity and moves downstream. Therefore, headwater wetlands are regarded as important for their role in water quality management, because they set the nutrient state for larger downstream systems. Additionally, the headwaters of a stream can support ecosystems unique to that stream. The FEIS should provide additional information about impacts to water quality and local ecosystems resulting from project activities in the Scuppernong Creek headwaters. The DEIS states that the existing WIS 83 crossing of Scuppernong Creek is a culvert; this would be replaced by another culvert under the proposed project. We advise the project proponents to replace the existing culvert with a bridge, in order to establish a more natural environment in the creek headwaters, to allow for less obstructed water flow, and to establish a wildlife crossing. Finally, the DEIS states that a stormwater pond and a grassed or wetland buffer have been recommended to control stormwater runoff into Scuppernong Creek. We commend and support these plans, because WIS 83 runs parallel to the creek for about 4,800 feet. Without these additional controls, Scuppernong Creek is subject to disproportional stormwater impacts.

2

We are concerned about the project's potential impact to the Blanding's Turtle, a state-listed threatened species. According to the DEIS, the off-alignment segment alternative would substantially impact Blanding's Turtle habitat. The DEIS includes a mitigation plan for this turtle. However, this plan would not be implemented in the near future. The off-alignment segment alternative is located within the segment between County Road X and County Road DE/E, where traffic projections don't currently justify a need for the project. If and when traffic projections justify a need for the project, the Blanding's Turtle habitat may change, such that the current turtle mitigation plan may not be sufficient. Therefore, the FEIS should commit to re-evaluate its turtle mitigation plan, if and when traffic projections justify a need to implement the off-alignment segment alternative.

3

We are concerned about the limited amount of wetland information presented in the DEIS. The DEIS does not describe the specific functions and value of each wetland. The FEIS should provide this information, in order to ascertain the gravity of impacts to each wetland. Wetland values may include floristic quality index (FQI) numbers. Also, the DEIS does not include a comprehensive wetland compensation plan. Such a plan should determine mitigation ratios for each impacted wetland, total compensation acres, and compensation sites under consideration. Please include this information in the FEIS.

4

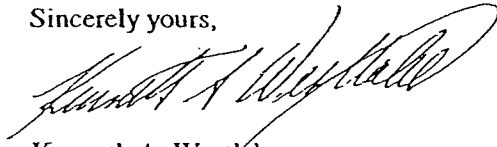
We are concerned about the proposed project's impact to air quality in Waukesha County. Since Waukesha County is classified as a severe non-attainment area for ozone, the proposed project must conform with the State Implementation Plan (SIP). Highway projects which conform with the SIP are included in the Transportation Implementation Plan (TIP), endorsed by the local metropolitan planning organization. According to the DEIS, the 2002-2004 TIP was amended on

March 28, 2003 to include the proposed project. The DEIS, however, does not give details about how the proposed project demonstrates conformity with the SIP. The DEIS should have included summary information showing how the proposed project's inclusion in the TIP is supported by an air emissions analysis. Such information should include results from traffic and vehicle emission modeling.

5

In summary, U.S. EPA has identified issues relating to the proposed project's impacts on trout habitat, Scuppernon Creek, Blanding's Turtle, and air quality. We are also concerned about the level on information given about wetlands. Based upon our review of this project and its DEIS, we have assigned a rating of "EC-2" (environmental concerns, insufficient information). This rating applies to each of the alternatives still under active consideration in the DEIS, and to the DEIS as a whole. Please refer to the enclosed Summary of Rating Definitions Sheet. This rating will be published in the Federal Register. If you have any questions or comments, please feel free to contact Newton Ellens of my staff at (312) 353-5562.

Sincerely yours,



Kenneth A. Westlake
Chief, Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

Enclosure

cc: Karl Pierce, Project Manager
Wisconsin Department of Transportation, District 2

Comment Responses—Environmental Protection Agency (letter dated December 4, 2003)

Comment #1

Issue: The Draft EIS does not describe trout habitat in the project area or impacts to this habitat. The Final EIS should provide this information and include an appropriate mitigation strategy.

Response: Scuppernong Creek, Genesee Creek and Spring Brook are described on Draft EIS pages 3-13, 3-14 and 4-8 as cold water communities capable of supporting a cold water fishery. DNR's letter in Appendix C, page C-4 also notes that these streams are cold water communities and recommends that no in-stream construction occur between October 1 and March 30 to protect trout spawning, incubating and rearing.

Updated information on trout stream classifications has been provided by DNR since the Draft EIS. This information is included in the Final EIS on pages 3-13, 3-14 (Table 3-7), and page 4-24 (Table 4-10).

Potential impacts to surface waters in the WIS 83 corridor are described on Draft EIS pages 4-8, 4-24 (erosion and sedimentation), page 4-26 (storm water management), and page 4-29 (highway deicing). Measures to minimize potential adverse water quality effects are discussed on Draft EIS page 4-24 (erosion and sedimentation), page 4-26 (storm water management), and page 6-3. Discussions on the use of dry ponds that allow storm water to infiltrate the soil when the proposed storm water facilities are located adjacent to cold water streams and additional coordination/mitigation strategies have been added to page 4-28 and 4-29 of the Final EIS.

Comment #2

Issue: Concern about water quality impacts in Scuppernong Creek headwaters. Recommends using a bridge at the Scuppernong Creek crossing rather than replacing the existing culvert as proposed in the Draft EIS.

Response: The preliminary proposed structures noted in Table 4-10, Draft EIS page 4-24, were based on "in-kind" replacement structures or widening/lengthening existing structures. Table 4-10 has been revised to include a column for existing structures and a note indicating that appropriate structure types for each stream crossing will be determined in a future engineering design phase in consultation with DNR.

Comment #3

Issue: The off-alignment alternative [Genesee Depot area] would substantially impact Blanding's Turtle habitat. The mitigation plan proposed in the Draft EIS would not be implemented in the foreseeable future because the off-alignment alternative would not be constructed until or if future traffic warrants this alternative. Because habitat conditions for the Blanding's Turtle could change over time, the mitigation plan would need to be re-evaluated when or if the off-alignment alternative would be implemented.

Response: The study team agrees that habitat conditions for the Blanding's Turtle could change before the proposed WIS 83 improvements would be constructed and that the mitigation plan would need to be re-evaluated. However, since Off-Alignment Alternative D has not been selected as the recommended alternative, there is no longer a need for a mitigation plan relative to this alternative.

Comment #4

Issue: The Draft EIS does not describe specific functions and values of affected wetlands; this should be included in the Final EIS. Also, the Draft EIS does not include a comprehensive wetland mitigation plan. The Final EIS should include such a plan that addresses compensation ratios, total compensation acreage for each wetland, and compensation sites under consideration.

Response: General wetland functions and values are discussed on Draft EIS page 3-19. Because the proposed WIS 83 improvements are long term and wetland conditions could change over time, WisDOT determined that a specific function and value assessment would be more appropriate in a future engineering design phase if needed depending on the extent/nature of wetland impacts in a particular roadway segment that would be programmed for construction. The need for a more detailed wetland assessment, compensation ratios, and total compensation acreage for affected wetlands would be determined in consultation with DNR and the Corps of Engineers as part of any future Clean Water Act permit applications. Information on potential wetland compensation sites is provided in Final EIS Section 7, Wetlands—Only Practicable Alternative Finding.

Comment #5

Issue: The Draft EIS does not provide details about how the proposed project demonstrates conformity with the State Implementation Plan (SIP). Although the proposed project was added to the 2002-2004 Transportation Improvement Program (TIP) through an amendment, the Draft EIS does not show how inclusion in the TIP is supported by an air emissions analysis.

Response: Since the Draft EIS, the 2005-2007 TIP has been prepared by SEWRPC. The WIS 83 Corridor Study is included in the new TIP as project number 398. This update has been noted in the Final EIS on page 1-4 under Transportation and Land Use Planning (Transportation Improvement Program) and on Final EIS page 4-41 under Air Quality (Regional Level). As discussed in the Draft EIS, air quality conformity with the SIP is demonstrated when a proposed transportation improvement is contained in the approved Regional Transportation System Plan and TIP.

Air quality conformity for the WIS 83 preferred alternative is summarized below and in the Final EIS on pages 4-41 and 4-42.

- The preferred alternative is to widen existing WIS 83 to a multi-lane facility except in the WIS 59 to County DE/E segment and at the project's north terminus (WIS 16 to Chapel Ridge Road). The preferred alternative in these sections is to reconstruct the existing 2-lane highway to modern design standards.
- The preferred alternative is consistent with WIS 83 improvements identified in the 2020 *Regional Transportation System Plan* that calls for additional capacity on WIS 83 except in the WIS 59 to County DE/E segment and in the area north of WIS 16.
- Proposed transportation improvements that have already undergone an air emissions analysis in order to be included in the Regional Transportation System Plan are listed in the applicable 3-year TIP when they become ready for implementation. The TIP also lists longer-term transportation improvements by using a "placeholder" to recognize the ongoing preliminary engineering process. When specific WIS 83 improvements for a particular roadway segment are funded/programmed for construction, these would be listed as such in the applicable TIP.
- Except for continued inclusion of the proposed WIS 83 improvements in future iterations of the Regional Transportation System Plan and TIP, no further actions or air quality analyses are required to demonstrate conformity with the SIP.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 21 2004

REPLY TO THE ATTENTION OF:

B-19J

David Platz, Field Operations Engineer
Federal Highway Administration, Wisconsin Division
567 D'Onofrio Drive
Madison, WI 53719-2814

Re: Concurrence with the "Recommended Alternative" Section for the WIS 83 Corridor Improvement EIS

Dear Mr. Platz:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and in the concurrent NEPA/404 review process, we have reviewed the "Recommended Alternative Technical Memorandum" for the WIS 83 Corridor Improvement Environmental Impact Statement (EIS). R.A. Smith, and Associates, a contractor for this project, provided the memorandum to us in correspondence dated March 23, 2004. We issued an April 18, 2003 letter concurring with the first two review points ("Purpose and Need," and "Alternatives"). By this letter, the U.S. Environmental Protection Agency concurs with the Recommended Alternative selected for the WIS 83 Corridor Improvement EIS.

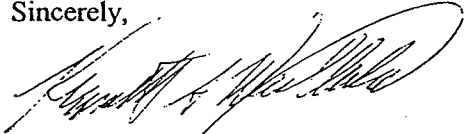
We look forward to reviewing the final EIS. Specifically, we expect to see comprehensive descriptions and mitigation plans for the following issues (discussed in our December 4, 2003 comment letter for the draft EIS):

1. High quality trout streams,
2. Headwaters of Scuppernong Creek,
3. Adjacent wetlands, and
4. Waukesha County's non-attainment status for ozone

We no longer have concerns about the Blanding's Turtle, since the off-alignment alternative that would have impacted this species is not part of the Recommended Alternative.

Thank you for the opportunity to review the memorandum. Please contact Newton Ellens of my staff with any questions regarding this project. He can be reached at (312) 353-5562.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kenneth A. Westlake', written over a horizontal line.

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: Steve Berg, P.E.
Consultant Project Manager
R.A. Smith and Associates, Inc.

Karl Pierce, Project Manager
Wisconsin Department of Transportation, District 2

**E-mail Comments From
U.S. Army Corps of Engineers**

From: Cameron, Tamara E MVP [Tamara.E.Cameron@mvp02.usace.army.mil]
Sent: Friday, December 05, 2003 5:54 PM
To: 'karl.pierce@dot.state.wi.us'
Cc: Berg, Steve R.; Valencia, Maria T MVP
Subject: STH 83 DEIS comments

Mr. Pierce,

Provided below are Corps comments on the STH 83 DEIS, based upon a cursory review of the document. Please feel free to contact me if you have any questions or if you require formal correspondence.

Tamara Cameron
Regulatory Branch
Army Corps of Engineers
190 5th Street East
St Paul MN 55101
email: tamara.e.cameron@mvp02.usace.army.mil
phone: (651) 290-5197
fax: (651) 290-5330

Army Corps of Engineers Review Comments
Wisconsin 83 Corridor Study
County NN to WIS 16

General Comment: The wetland impact information presented in the DEIS is not of sufficient detail to enable the Corps to determine the least environmentally damaging practicable alternative for our 404(b) 1 analysis. We will require additional information to assist us in making this determination.

1

Page S-5: change CWA section 404 reference to 40 CFR 230 (404b1 guidelines) or 33 CFR 325 (processing permits and regulatory NEPA process)

2

Page 2-10: Please provide a succinct explanation of the alternatives carried forward on this page before beginning the section-by-section discussion on page 2-11.

3

Page 4-30: Please provide a qualitative comparison of wetland impacts among the alternatives, to differentiate the impacts to wetland functions and values for each alternative considered. Please differentiate between the wetland impacts that would occur if a 4-lane roadway were built as compared to 4-lane corridor preservation.

4

Page 4-31: Please revise Table 4-1 to show a direct comparison of wetland impacts among the alternatives under consideration, instead of using footnotes to differentiate them.

5

Comment Responses—U.S. Army Corps of Engineers (e-mail dated December 5, 2003)

Comment #1

Issue: Wetland information in the Draft EIS is not of sufficient detail for the COE to determine the least environmentally damaging practicable alternative under Section 404(b)1 requirements.

Response: Table 4-12, Draft EIS page 4-32, provides a detailed list of affected wetlands (type, relationship to streams, ADID status) and impact comparisons for the viable build alternatives in each project section. In addition, the Draft EIS emphasizes that the alternatives retained for detailed study were developed/located to minimize overall wetland impacts as well as impacts to other resources. The alternatives oriented to the existing alignment are described further in terms of widening east, west, or down the middle to provide a “best fit” alignment that meets project purpose and need and causes the least damage to the natural and built environment (see Draft EIS page 2-10). Additional information is provided in Final EIS Section 7, Wetlands—Only Practicable Alternative Finding.

Comment #2

Issue: The Clean Water Act reference on page S-7 should be changed to 40 CFR 230 or 33 CFR 325.

Response: The reference has been changed to 33 CFR 325.

Comment #3

Issue: A summary of the alternatives being carried forward should be provided on page 2-10 before the detailed description of the alternatives by project section.

Response: The following text has been added to Final EIS page 2-10: In general, the alternatives that have been retained for detailed study would widen the existing highway to a four-lane facility with a “best-fit” alignment (east, west, or down the middle) that minimizes overall impacts to existing development and environmental resources. In the Genesee Depot area where traffic forecasts indicate additional capacity would not be needed by Design Year 2026, the viable alternatives include No Build and reconstructing the existing 2-lane highway to modern design standards. To consider longer-term needs in the Genesee Depot area, the EIS also evaluates a 4-lane corridor preservation alternative on existing alignment and a 4-lane corridor preservation off-alignment alternative.

Comment #4

Issue: Provide a qualitative comparison of wetland impacts for the alternatives to allow differentiating the impacts to wetland functions and values for each alternative. Differentiate between wetland impacts that would occur with a 4-lane alternative versus a 4-lane corridor preservation alternative.

Response: Because the proposed WIS 83 improvements are long term and wetland conditions could change over time, WisDOT determined that a specific function and value assessment would be more appropriate in a future engineering design phase if needed depending on the extent/nature of wetland impacts in a particular roadway segment that would be programmed for construction. Table 4-12 on Draft EIS page 4-32 does provide information on the types of wetlands affected and does differentiate the impacts for the 4-lane corridor preservation alternatives (table note 3).

Comment #5

Issue: Table 4-12 should be revised to show a direct comparison of wetland impacts among the alternatives rather than using footnotes to differentiate the impacts.

Response: Although the format for Table 4-12 may be somewhat difficult to follow, the study team determined that using table notes would be the least confusing way to present the wetland impact comparisons for the alternatives. Using a separate entry for each alternative in each project section would make the table too long and more difficult to follow.

A summary of the wetland impact totals is also provided in Exhibit S-B, and a direct comparison of wetland impacts for the preferred alternative and other alternatives considered is provided in the Final EIS on page 7-3 (Table 7-2).



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

April 29, 2004

REPLY TO
ATTENTION OF:

Construction-Operations
Regulatory (02-00408-DEH)

Ms. Mary Ellen O'Brien
Transportation Environmental Management
313 Price Place, Suite 207
Madison, Wisconsin 53705

Dear Ms. O'Brien:

We have completed our review of the recommended alternative for the WIS 83 Corridor Study, between County NN and Chapel Ridge Road in Waukesha County. Thank you for the draft wetland practicable alternative finding documentation and the response to Corps comments on FHWA/WisDOT's draft EIS. This information was very helpful and clarified the wetland sequencing efforts completed to date for the proposed project.

It is our understanding that FHWA/WisDOT's preferred alternative involves 2-lane reconstruction of some roadway sections, widening to a 4-lane facility in some sections, and 4-lane corridor preservation in other sections of the WIS 83 corridor. It is also our understanding that the roadway sections will be widened in a "best-fit" alignment to minimize overall environmental impacts. The total wetland impact is estimated to be 8.3 acres, including the impact in the 4-lane corridor preservation sections, which would not occur until traffic volumes or safety factors dictate the need for a 4-lane facility.

Based on the information provided to date and a review of the project area, we accept FHWA/WisDOT's preferred alternative, and we look forward to further review when the project advances to the design phase, and WisDOT investigates additional wetland avoidance and minimization opportunities.

If you have any questions, please contact Dan Hunt in our Waukesha office at (262) 547-6986. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Maria L. Volmer

for Robert J. Whiting
Chief, Regulatory Branch

Copy furnished: FHWA



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

August 26, 2005

REPLY TO
Operations
Regulatory (2005-4915-DJP)

Ms. Karla Leithoff
Wisconsin Department of Transportation
District 2
P.O. Box 798
Waukesha, Wisconsin 53188

Dear Ms. Leithoff:

This is in response to your letter dated May 31, 2005, requesting Corps review of a proposal to discharge fill materials into a pond/wetland that was established as a compensatory mitigation site. The compensatory mitigation site was established in accordance with special conditions included with Department of the Army permit 90-1171-13, which authorized improvements to STH 83. Additional improvements to STH 83 would require a discharge of fill materials into 0.15 acre of the compensatory mitigation site. The project is located in the NW ¼, Sec. 10, T. 7N., R. 18E., Waukesha County, Wisconsin.

We have completed our review of the information provided in your May 31, 2005, letter and concur that when considering the cost of a clear span bridge and the adjacent historic property, the discharge of dredged and fill materials within the pond/wetland for the proposed STH 83 upgrades is unavoidable and is the least environmentally damaging practicable alternative.

We have also reviewed the proposal to enhance the remaining portion of the pond/wetland through filling to establish more desirable side slopes and through the management of the area to enhance the plant community. We have determined that the remedial measures outlined in your letter would provide adequate compensation for the proposed discharge of fill materials in 0.15 acre of the pond/wetland area. We expect that once the remedial measures are carried out, the mitigation site in its entirety will be protected through the creation and grant of covenants for the site.

The discharge of fill materials into the compensatory mitigation pond/wetland remains subject to Corps Section 404 jurisdiction. Therefore, any future application for a Department of the Army permit for the proposed STH 83 improvements, should include the proposed 0.15 acre fill area.

Please note that the concept and execution of this proposal resulted from a unique set of circumstances and should not be repeated.

If you have any questions, contact Dale Pfeiffle in our Waukesha office at (262) 547-0868. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely

For Dale V Pfeiffle
Robert J. Whiting
Chief, Regulatory Branch

Copy furnished

Maureen Millmann
Wisconsin Department of Natural Resources
P.O. Box 12436
Milwaukee, WI 53202



November 7, 2003

Mr. Steve Berg
R.A. Smith & Associates
16745 West Bluemound Road
Brookfield WI 53187-0798

SHSW#: 03-0232/WK
RE: STH 83: CTH NN to STH 16
WisDOT I.D. #: 1330-15-00

Dear Mr. Berg:

We have reviewed the Draft Environmental Impact Statement and Section 4(f) Evaluation for the above referenced project. To date, we have not received any archeological report(s) concerning the proposed undertaking. Therefore, it is not possible to provide any comments regarding the number of archeological sites that are located within the proposed project corridors or the effects that the proposed undertaking may have on any archeological sites that are eligible for inclusion in the National Register of Historic Places. Please forward any archeological reports you may have to our office for review and comment.

1

The document does not indicate that the owners of Ten Chimneys were ever contacted and provided an opportunity to comment on the effects that the proposed undertaking may have on the property. "Appendix B: Draft EIS Distribution List" does not include Ten Chimneys.

2

In consideration of possible effects to the Ten Chimneys, which is a National Historic Landmark(NHL), page 5-8 of the document states: "No new right-of-way would be required from Ten Chimneys. However, based on initial design concepts, a temporary grading easement could be required to match the roadway slope into the adjacent land. The grading easement would encompass an approximate 15 foot (5 meter) wide strip and some trees would be removed." The removal of trees and the addition of a four lane highway could be an adverse visual affect, which needs to be considered and discussed. In addition, any alteration in the public's accessibility to Ten Chimneys may result in an

3

adverse affect on the NHL. This also needs to be considered and discussed in the Final Environmental Impact Statement. As you are aware, National Historic Landmarks are afforded additional consideration pursuant to 36 CFR 800.10.

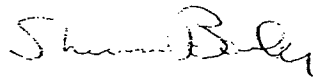
3

The document also needs to reconsider the assessment of affects to the Genesee Woolen Mill Historic District. As pointed out in previous meetings with the Department of Transportation and the Federal Highway Administration, the mill race is part of the historic district any alteration or destruction of the mill race would be an adverse effect on the Genesee Woolen Mill Historic District. Therefore, the Final Environmental Impact Statement should address this issue.

4

We look forward to reviewing the archeological report and the Final EIS when they become available. If you have any questions concerning these matters, please call me at (608) 264-6507.

Sincerely,



Sherman Banker
Office of Preservation Planning

CC: Robert Newbery, WisDOT
David Platz, FHA
Karl Pierce, WisDOT

Comment Responses—Wisconsin State Historical Society (letter dated November 7, 2003)

Comment #1

Issue: Requests a copy of the archaeological survey report for review (the archaeological survey report was pending at the Draft EIS stage).

Response: Since the Draft EIS, the archaeological investigation report has been provided to the SHS. Concurrence that there are no significant archaeological resources in the project's area of potential effect has been received and the signed Memorandum of Agreement is included in Final EIS Appendix D, page D-9.

Comment #2

Issue: The Draft EIS does not indicate how/if Ten Chimneys representatives were contacted during the study.

Response: As part of the assessment of effects under Section 106 of the National Historic Preservation Act, a copy of the Draft EIS was sent to Ten Chimneys on November 13, 2003 and a meeting was held on February 16, 2004 to review the alternatives in the vicinity of Ten Chimneys. The president of the Ten Chimneys Foundation also signed the Memorandum of Agreement. A copy of the Final EIS has also been sent to Ten Chimneys and noted on the Final EIS distribution list in Appendix B.

Comment #3

Issue: The Final EIS should report the results of assessing effects on the Ten Chimneys property including possible adverse visual effects and any alterations in public access to the property.

Response: The Section 106 assessment of effects for historic sites including the Ten Chimneys property has been completed and concurred in by the SHS (see Memorandum of Agreement in Appendix D, page D-9). The results of the Section 106 process are discussed in Final EIS Sections 4, 5, and 6.

Comment #4

Issue: The Final EIS should report the results of assessing effects on the Genesee Woolen Mill Historic District.

Response: The Section 106 assessment of effects for historic sites including the Genesee Woolen Mill Historic District has been completed and concurred in by the SHS (see Memorandum of Agreement in Appendix D, page D-9). The results of the Section 106 process are discussed in Final EIS Sections 4, 5, and 6.

Updated November 17, 2003
SECTION 106 REVIEW
ARCHAEOLOGICAL/HISTORICAL INFORMATION
 Wisconsin Department of Transportation
 DT1635 99 (Replaces ED889)

SHPO

NOV 20 2003

DIV HIST PRES

I. PROJECT INFORMATION

Project ID 1330-15-00	Highway/Street STH 83	County Waukesha
Project Termini CTH NN to STH 16 (see Exhibit 1)		District Waukesha (District 2)
Project Engineer/Project Manager Karl Pierce (WisDOT District 2)		(Area Code) Telephone Number (262) 521-5452
Consultant Project Manager Steve Berg, R.A. Smith & Associates		(Area Code) Telephone Number (262) 786-1777
Archaeological and Architecture/History Consultant Archaeological—Archaeological Research Inc. Architecture/History—Heritage Research Ltd.		(Area Code) Telephone Number Dan Cain (608) 836-8677 Traci Schnell (414) 251-7792
Date of Need December 31, 2003		SHSW: 03-0232/WK

II. PROJECT DESCRIPTION

Type of Project	<input type="checkbox"/> Reconstruction	<input type="checkbox"/> Resurface Only	<input type="checkbox"/> Recondition	<input type="checkbox"/> Other:
	<input type="checkbox"/> Wetland Mitigation	<input type="checkbox"/> Bridge	<input checked="" type="checkbox"/> Corridor Study (must coordinate with BOE)	
X Known Cemetery Jerusalem Cemetery and Salem Cemetery	Project Length miles: 17 kilometers: 27		New Right-of-way to be Acquired Approximately 100 acres (40 ha)	

Project Description:

The purpose of the corridor study is to evaluate alternatives and select a recommended long-range plan for improving traffic flow, capacity, and safety on STH 83. In general, the long-range build alternatives involve widening STH 83 to a multi-lane facility oriented to the existing highway. Alignment options include widening east, west, or down the middle to balance overall environmental impacts and minimize impacts to adjacent development. One off alignment alternative is under consideration in the Genesee Depot area. Except in the vicinity of the I-94 interchange and the Genesee Depot area, the existing highway is a 2-lane rural roadway.

Roadway dimensions summarized on attached continuation sheets

X Add continuation sheet if needed.

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width			Terrace Width	N/A	N/A
Edge of outside shoulder from centerline of nearest driving lane			Sidewalk Width	N/A	N/A
Slope Intercept			Number of Lanes		
Edge of pavement from centerline of nearest driving lane (includes paved shoulder)			Grade Separated Crossing		
Back of Curb Line	N/A	N/A	Vision Triangle ___ acres ___ hectares	N/A	N/A
Easement ___ acres ___ hectares	N/A	N/A	Temporary Bypass ___ acres ___ hectares	N/A	N/A

Describe ground disturbing activity associated with proposed construction-e.g., strip, construction, slope grading, temporary bypass, realignment, stream channel charge, etc.

Ground disturbing activities will include clearing and grubbing, grading for the new roadbed, shoulders and ditches, storm sewer construction in suburban/urban areas, and excavation of soils unsuitable for roadway construction.

III. NOTIFICATION

How has notification of the project been provided to:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Property Owners
<input checked="" type="checkbox"/> Public Information Meeting Notice
(project mailing list = 800; not attached due to size)
<input checked="" type="checkbox"/> Letter [required for Archaeology] see attached
<input checked="" type="checkbox"/> Telephone Call
<input checked="" type="checkbox"/> Other—monthly local information centers | <input checked="" type="checkbox"/> Historical Societies/Organizations
<input checked="" type="checkbox"/> Public Information Meeting Notice
<input type="checkbox"/> Letter
<input checked="" type="checkbox"/> Telephone Call
(contacted by HRL consultants during historic properties data gathering)
<input type="checkbox"/> Other | <input checked="" type="checkbox"/> Native American Tribes
Must notify with:
<input checked="" type="checkbox"/> Public Info. Mtg. Notice
<input checked="" type="checkbox"/> Letter |
|---|--|--|

*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate. See attached correspondence and list.

IV. AREA OF POTENTIAL EFFECT [APE] See continuation sheets.

HISTORY: Describe the area of potential effects for buildings/structures.

If you wish to claim there is no APE for buildings/structures, you must justify that claim. [NOTE: If there are no buildings/structures of any kind in the APE, go to Item V., check "Architecture/history survey is not needed" and state why.]

ARCHAEOLOGY: Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance.

V. SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed [See Chapter 26-35-1 of FDM for procedure and # of exhibits] <input type="checkbox"/> Archaeological survey is not needed - provide justification <input type="checkbox"/> SHPO records search conducted ____ (date). <input type="checkbox"/> Screening list ____ (date). <input type="checkbox"/> No potential to affect archaeological sites Describe project area and attach project plans	<input checked="" type="checkbox"/> Architecture/History survey is needed Previously reviewed by SHS (see Update, continuation sheets, page 3) <input type="checkbox"/> Architecture/History survey is not needed

VI. SURVEY COMPLETED—Documentation required for submittal to BOE See continuation sheets

ARCHAEOLOGY	HISTORY
<input type="checkbox"/> Project maps attached [most recent design] Not available <input type="checkbox"/> ASFR attached [NO archaeological sites(s) identified] <input checked="" type="checkbox"/> Report attached (one site has been recommended for phase 2 investigation) <input type="checkbox"/> Report attached [potentially eligible site(s) avoided] <input checked="" type="checkbox"/> Report attached - cemetery documentation <input checked="" type="checkbox"/> Native American response letters & reports [Send four reports + # of copies for NA requests to district.]	<input type="checkbox"/> A/HSF attached [NO buildings/structures identified] <input checked="" type="checkbox"/> A/HSF attached [potentially eligible buildings/structures identified.] Previously reviewed by SHS (see Update, continuation sheets, page 3)

VII. EVALUATION COMPLETED—Documentation required for submittal to BOE

<input type="checkbox"/> Report attached [one site requires further evaluation] <input type="checkbox"/> Report and DOE attached [arch site(s) eligible for NRHP] <input type="checkbox"/> Report and draft DOE attached [arch site(s) eligible for NRHP—avoided through project redesign]	<input type="checkbox"/> DOE attached [no buildings/structure(s) eligible for NRHP] <input checked="" type="checkbox"/> DOE attached [building/structure(s) eligible for NRHP] Previously reviewed by SHS (see Update, continuation sheets, page 3)
--	--

VIII. COMMITMENTS

None identified at this time.

IX. PROJECT REVIEW

- ☐ No eligible properties in APE
☐ No effect on historic buildings and/or archaeological sites eligible for NRHP
☒ Eligible properties may be affected by project-go to Step 4: Assess effects and begin consultation

Karl D. Klein
 (District Project Manager)
 2/19/03
 (Date)
Stuart R. Berg
 (Consultant Project Manager)
 2/19/03
 (Date)

Patricia M. Trauer
 (WisDOT Historic Preservation Officer)
 3 December 2003
 (Date)

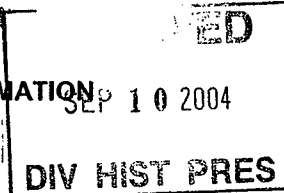
Robert J. Smith
 (State Historic Preservation Officer)
 12/15/03
 (Date)

ARCHAEOLOGY RESURVEY
For Refined Multi-Use Trail Alignment
July 28, 2004

SHPO

SECTION 106 REVIEW
ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
 DT1635 99 (Replaces ED889)



I. PROJECT INFORMATION

Project ID 1330-15-00	Highway/Street STH 83	County Waukesha
Project Termini STH 83 Corridor Study: CTH NN to STH 16 (see Exhibit 1) Refined multi-use trail alignment: Approximately 1,000 feet (305 meters) south and 1,250 feet (381 meters) north of Mary Court (see Exhibits 1 and 2)		District Waukesha (District 2)
Project Engineer/Project Manager Karl Pierce (WisDOT District 2)		(Area Code) Telephone Number (262) 521-5452
Consultant Project Manager Steve Berg, R.A. Smith & Associates		(Area Code) Telephone Number (262) 786-1777
Archaeological—Archaeological Research Inc.		(Area Code) Telephone Number Dan Cain (608) 836-8677
Date of Need September 15, 2004		SHSW: 03-0232/WK

II. PROJECT DESCRIPTION

Type of Project ☐ Reconstruction ☐ Resurface Only ☐ Recondition ☒ Other: Refined trail alignment
☐ Wetland Mitigation ☐ Bridge ☐ Corridor Study (must coordinate with BOE)

☐ Known Cemetery ☐ Project Length (Refined multi-use trail alignment)
 miles: 0.4 kilometers: 0.6 Trail easement
 Approximately 1 acre (0.4 ha)

Project Description:

This Section 106 Form documents the refined alignment for a proposed multi-use trail west of STH 83 in the vicinity of Mary Court (see Exhibit 2). The original improvement concept included a multi-use trail immediately adjacent to the west side of STH 83. The new trail location is being proposed to minimize wetland impacts. The original archaeological survey approved by the SHS on December 15, 2003 (see Exhibit 3) did not encompass the refined trail alignment. Therefore, resurvey was done to ensure that the refined trail alignment would not affect any archaeological materials. As indicated in the Archaeological Field Survey Report, no significant material was found and no further action is recommended.

Roadway dimensions summarized on attached continuation sheets

☐ Add continuation sheet if needed.

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width			Terrace Width	N/A	N/A
Edge of outside shoulder from centerline of nearest driving lane			Sidewalk Width	N/A	N/A
Slope Intercept			Number of Lanes		
Edge of pavement from centerline of nearest driving lane (includes paved shoulder)			Grade Separated Crossing		
Back of Curb Line	N/A	N/A	Vision Triangle ___ acres ___ hectares	N/A	N/A
Easement ___ acres ___ hectares	N/A	N/A	Temporary Bypass ___ acres ___ hectares	N/A	N/A

Describe ground disturbing activity associated with proposed construction-e.g., strip, construction, slope grading, temporary bypass, realignment, stream channel charge, etc.

Ground disturbing activities will include clearing, grubbing, and grading for the new trail.

III. **NOTIFICATION** (See previously approved Section 106 Form/materials for STH 83 corridor study)

How has notification of the project been provided to:

- | | | |
|--|---|---|
| <input type="checkbox"/> Property Owners | <input type="checkbox"/> Historical Societies/Organizations | <input type="checkbox"/> Native American Tribes |
| <input type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Information Meeting Notice | Must notify with: |
| <input type="checkbox"/> Letter [required for Archaeology] | <input type="checkbox"/> Letter | <input type="checkbox"/> Public Info. Mtg. Notice |
| <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Letter |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | |

*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

IV. **AREA OF POTENTIAL EFFECT [APE]**

(See previously approved Section 106 Form/materials for STH 83 corridor study)

HISTORY: Describe the area of potential effects for buildings/structures.

If you wish to claim there is no APE for buildings/structures, you must justify that claim. [NOTE: If there are no buildings/structures of any kind in the APE, go to Item V., check "Architecture/History survey is not needed" and state why.]

ARCHAEOLOGY: Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance.

V. **SURVEY NEEDED** (For refined multi-use trail alignment)

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed [See Chapter 26-35-1 of FDM for procedure and # of exhibits]	<input type="checkbox"/> Architecture/History survey is needed
<input type="checkbox"/> Archaeological survey is not needed - provide justification	<input checked="" type="checkbox"/> Architecture/History survey is not needed
<input type="checkbox"/> SHPO records search conducted ____ (date).	
<input type="checkbox"/> Screening list ____ (date).	
<input type="checkbox"/> No potential to affect archaeological sites	
Describe project area and attach project plans	

VI. **SURVEY COMPLETED**-Documentation required for submittal to BOE See continuation sheets

ARCHAEOLOGY	HISTORY
<input type="checkbox"/> Project maps attached [most recent design]	<input type="checkbox"/> A/HSF attached [NO buildings/structures identified]
<input checked="" type="checkbox"/> ASFR attached [NO archaeological sites(s) identified]	<input type="checkbox"/> A/HSF attached [potentially eligible buildings/structures identified.]
<input type="checkbox"/> Report attached	
<input type="checkbox"/> Report attached [potentially eligible site(s) avoided]	
<input type="checkbox"/> Report attached - cemetery documentation	
<input type="checkbox"/> Native American response letters & reports	
[Send four reports + # of copies for NA requests to district.]	

VII. **EVALUATION COMPLETED**-Documentation required for submittal to BOE

<input type="checkbox"/> Report attached	<input type="checkbox"/> DOE attached [no buildings/structure(s) eligible for NRHP]
<input type="checkbox"/> Report and DOE attached [arch site(s) eligible for NRHP]	<input type="checkbox"/> DOE attached [building/structure(s) eligible for NRHP]
<input type="checkbox"/> Report and draft DOE attached [arch site(s) eligible for NRHP—avoided through project redesign]	

VIII. **COMMITMENTS**

None identified at this time.

IX. **PROJECT REVIEW**

- ☒ No eligible properties in APE
☐ No effect on historic buildings and/or archaeological sites eligible for NRHP
☐ Eligible properties may be affected by project-go to Step 4: Assess effects and begin consultation

Karl D. Puri
(District Project Manager)

08/30/04
(Date)

Stuart R. Burg
(Consultant Project Manager)

8/3/04
(Date)

[Signature]
(WisDOT Historic Preservation Officer)

9/1/04
(Date)

[Signature]
(State Historic Preservation Officer)

9/21/04
(Date)

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE WISCONSIN STATE HISTORIC PRESERVATION OFFICER
Prepared pursuant to 36 CFR § 800.6(c)

Regarding
WISCONSIN DOT PROJECT I.D. 1330-15-00
SHSW#: 03-0232/WK
STH 83 CORRIDOR STUDY
(CTH NN – STH 16)
WAUKESHA COUNTY

WHEREAS, the Federal Highway Administration (FHWA) may participate in this project on STH 83 including the segment through unincorporated Genesee Depot; and

WHEREAS, the FHWA is the lead agency on this project with responsibility for completing the requirements of Section 106; and

WHEREAS, the FHWA has established the Area of Potential Effects (APE) for this project, as defined at 36 CFR § 800.16(d); and

WHEREAS, the FHWA, pursuant to 36 CFR § 800.4(c), has determined that the Ten Chimneys complex is a designated National Historic Landmark (NHL); and

WHEREAS, the FHWA has determined that a privately owned parcel within the Ten Chimneys NHL boundary is adjacent to STH 83 in the unincorporated hamlet of Genesee Depot; and

WHEREAS, the FHWA has consulted with the Wisconsin State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 (NHPA), and its implementing regulations (36 CFR Part 800) to avoid the adverse effects on a potential STH 83 reconstruction project on historic properties; and

WHEREAS, the historic properties in the APE for this project include Ten Chimneys, an NHL, the Genesee Woolen Mill Historic District, the Union House, the Old Genesee Town Hall, the Magee-Oliver Farmstead, and the Albert Campbell Residence; and

WHEREAS, SHPO and FHWA have agreed that this project will have no adverse effect on the Genesee Woolen Mill Historic District, the Union House, the Old Genesee Town Hall, the Magee-Oliver Farmstead, and the Albert Campbell Residence; and

WHEREAS, the FHWA intends to use the provisions of this Memorandum of Agreement (MOA) to address applicable requirements of Section 110(b) of NHPA, 16 U.S.C. 470h-2(b); and

WHEREAS, WisDOT and Ten Chimneys participated in the Section 106 consultation and have been invited to concur in this MOA;

NOW, THEREFORE, the FHWA, and the Wisconsin SHPO agree that, upon execution of this MOA, and upon the determination of the FHWA to participate in this project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the undertaking on the historic properties.

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

1. Project Design

- a. The existing width of STH 83 in the vicinity of Ten Chimneys will be maintained.
- b. The highway design will avoid substantive changes to the character of the existing highway.
- c. Existing access to Ten Chimneys via Depot Road that intersects with STH 83 will be maintained during construction.
- d. Clear signage directing potential visitors to Ten Chimneys will be erected during construction.
- e. No temporary easements will be acquired from the Ten Chimneys complex before, during, or after construction.

2. Agency Coordination

- a. Subject to the Sunset Clause (Item 5, below), SHPO will be notified of any Federal-aid highway construction project in the vicinity of the Ten Chimneys complex and reminded that an MOA has already been executed.
- b. Should any other project be proposed in the vicinity of the Ten Chimneys complex that would involve funding from, or licensing or permitting by any other Federal agency or agencies, and that agency or those agencies request a copy of the Documentation for Determination of No Adverse Effect and this Memorandum of Agreement WisDOT will provide them with said documents.

3. Dispute Resolution

Any party to this agreement may propose to the agency that the agreement be amended, whereupon the agency shall consult with the other parties to this agreement to consider such an amendment. 36 CFR 800.6(c)(1) shall govern the execution of any such amendment.

4. Professional Qualifications

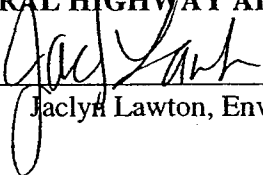
WisDOT shall ensure that all historic preservation work carried out pursuant to this agreement is carried out by or under the supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications Standards* in the field of architectural history, as published in 36 CFR Part 61.

5. Sunset Clause

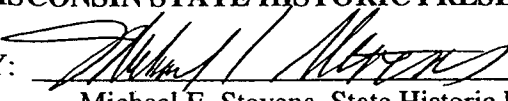
If SHPO is not contacted by WisDOT or FHWA within five (5) years of the signing of this MOA, with either a) a notice of intent to proceed with a construction project on STH 83 in the vicinity of the Ten Chimneys complex within three (3) years of said notice, or b) a request to consult on extending the terms of this MOA for a mutually agreeable time, this MOA shall be null and void.

Execution of this MOA by FHWA and the Wisconsin SHPO, and implementation of its terms, evidences that FHWA has complied with Section 106 on the STH 83 Corridor Study and that FHWA has taken into account the effects of the project on the historic properties in the APE for this project.

FEDERAL HIGHWAY ADMINISTRATION

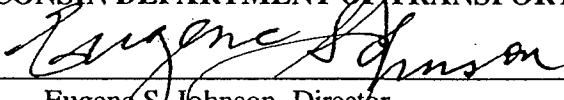
BY:  Date: May 2, 2005
Jaclyn Lawton, Environmental Programs Engineer

WISCONSIN STATE HISTORIC PRESERVATION OFFICER


BY:  Date: 5/5/05
Michael E. Stevens, State Historic Preservation Officer

CONCUR:

WISCONSIN DEPARTMENT OF TRANSPORTATION

BY:  Date: 5/08/05
Eugene S. Johnson, Director
Bureau of Equity & Environmental Services

TEN CHIMNEYS FOUNDATION

BY:  Date: 4/28/05
Sean Malone, President, Board of Trustees
President

Daniel M. Finley
County Executive

Dale R. Shaver
Director

Waukesha COUNTY

DEPARTMENT OF
PARKS AND LAND USE

November 25, 2003

Mr. Karl Pierce, WisDOT Project Manager
141 N W Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

RE: STH 83 Corridor Study, Draft EIS

Dear Mr. Pierce;

Waukesha County Parks has been in contact with the Ice Age Park and Trail Foundation to coordinate trail usage within our park land along STH 83 as our Lake Country Recreational Trail and the Ice Age Trail currently crosses STH 83 at two different locations. We have determined a route for the Ice Age Trail to continue south along the east side of STH 83 across land which is Naga Waukee Golf Course to the current Lake Country Trail Crossing of STH 83. There is a mutual concern for pedestrian safety with the existing at-grade crossing of the Lake Country Trail and the Ice Age Trail. We are recommending a combined, grade-separated crossing of STH 83 or at minimum a re-routing of the trail to the signalized crossing at the intersection of STH 83 and Golf Road.

We appreciate your consultant's efforts to meet at Naga Waukee Park this past March, to hear our concerns and discuss a safe pedestrian crossing of STH 83. Our meeting included a walk to see the site and discuss grade-separated alternatives at the crossing of Lake Country Trail of 83 at the south end of Naga Waukee Park. The group agreed upon one solution to be a pedestrian bridge structure ramping from the existing trail over STH 83 providing a safe, accessible crossing.

The draft EIS report (p. S-6) mentioned this crossing as an issues to be resolved prior to approval and distribution of the final report; Calling for feasibility of combined, grade-separated trail crossing North of County DR/ Golf Road near the existing at-grade crossing. We hope that you continue all efforts to see that this situation is resolved.

1

I spoke with Mr. Berg, from RA Smith, at the November 20th public hearing and he mentioned that he has provided you a feasible concept and estimate for a grade-separated crossing solution. I trust that this effort will continue and that the data/results will be shared with all to reach the safest possible solution. I look forward to a continued effort to resolve this safety issue.

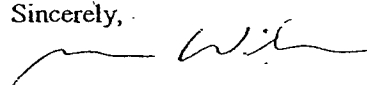
Parks Systems Division
1320 Pewaukee Road • Room 230
Waukesha, Wisconsin 53188-3868
Phone: (262) 548-7790 • Fax: (262) 896-8071

Included with this letter is data supporting the need for safe separated-grade crossing. This data shows that the current volumes for STH 83 warrant a signalized crossing at minimum, but based on the projected volumes a grade-separated crossing is recommended. With the projected traffic volumes and increase trail users, by combining one crossing of the Lake Country Trail and the Ice Age Trail, a grade separated crossing is needed for pedestrian safety.

Waukesha County Parks is pleased to see the proposed plans include a separate, paved pedestrian path along the west side of STH 83 linking the Lake Country Trail to the Glacial Drumlin State Trail through part of the Scuppernong Creek Greenway. The proposed plans also indicate a separate paved path from County KE to WIS 16 in Section 6. We recommend completing the paved path through Section 6 - KE to Meadow Lane and Section 5 - County DR/Golf Road to Meadow Lane to make a continuous path. The construction of this path from the Bark River south to the Lake Country Trail would be very appreciated, as it would provide a major north/south link to several regional trails: the Bugline Trail (from Menomonee Falls to Merton), to the Bark River Greenway Trail (from Merton to Hartland), and through the Ice Age Park/ Bark River Greenway south along STH 83 to the Lake Country Trail, to the Scuppernong Creek Greenway, to the Glacial Drumlin Trail. This would link miles of trails and several communities with in Waukesha County and beyond.

If you have any questions on this information or need any additional information, please contact me at (262) 548-7806.

Sincerely,


Jason Wilke
Senior Landscape Architect

Attachments

CC: Jim Kavemeier, WCP
Dan Kaemmerer, DNR
Steve Berg, RA Smith
Kevin Thusius, Ice Age Trail



The following is a summary of recommendations, from four sources, for bicycle crossings based on traffic speed and volume for a four-lane road. (See attached documents / tables of these sources.)

	<u>Speed</u>	<u>Cars Per Day</u>	<u>Recommendation:</u>
<u>Wisconsin DOT</u>			
	40 mph	20,000 ADT	Calls for consideration of signals or grade-separated crossing
<u>Minnesota DOT</u>			
	35 mph	8,000 ADT	Satisfactory = traffic signals Good = grade-separated crossing
	45 mph	NA	Satisfactory = traffic signals Good = grade-separated crossing
<u>Florida DOT</u>			
	<35mph	10,000-19,999 ADT	Protected refuge or signals
		20,000+ ADT	Signals or grade-separated
	>40 mph	10,000-19,999 ADT	Signals
		20,000+ ADT	Signals or grade-separated crossing
<u>ASHTO</u>			
			Protected refuge islands for: 1) High volume roads 2) Excessive roadway width 3) Slow crossing user group (i.e. children)

When applying the current and projected volumes for Hwy. 83 (*below*-provided by RA Smith) to the above sources, the recommendation is that there should currently be a signalized crossing at minimum. A grade separated crossing is recommended based on projected volumes.

Current and Projected Average Daily Traffic for Hwy 83

Current	(2000)	=	17,200 ADT
Projected	(2026)	=	26,300 ADT

Comment Responses—Waukesha County Parks and Land Use Department
(letter dated November 25, 2003)

Comment #1

Issue: The Lake Country Trail/Ice Age Trail crossing of WIS 83 must be resolved prior to the Final EIS.

Response: The Lake Country Trail (potential to combine with Ice Age Trail) crossing of WIS 83 has been addressed, and a discussion has been added to pages 2-35, 4-59, 5-6, and 6-9 of the Final EIS.

Comment #2

Issue: Waukesha County Parks recommends completing a paved multi-use path through project Section 5 (County DR/Golf Road to Meadow Lane) and through the remainder of project Section 6 from Meadow Lane to County KE.

Response: A separate paved path has not been included in these areas for the following reasons:

- Agreement was reached at past Project Advisory Committee (PAC) meetings not to include a separate path in these locations, and the paved shoulder could accommodate bicycles
- These locations are not included in SEWRPC's 2010 Regional Bicycle and Pedestrian Facilities System Plan for Southeastern Wisconsin
- The Ice Age Trail is located off-road in these locations
- Including a separate off-road path would require additional right-of-way and would increase residential proximity impacts adjacent to the roadway



May 28, 2004

Mr. Karl Pierce, WisDOT Project Manager
141 N W Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

RE: STH 83 Corridor Study, Final EIS

Dear Mr. Pierce:

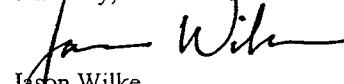
In your letter dated March 23, 2004, you stated your decision to re-route the Lake Country Trail and Ice Age Trail to the lighted intersection of DR and Golf Road. Waukesha County is not in support of choosing this minimal solution rather than addressing the growing demand for a safer solution of a grade separated crossing.

It is understood that this portion of the STH 83 Corridor, which the trail currently crosses, is not scheduled for construction due to the previous reconstruction that took place in the recent past. At the time of the previous improvements, this was the solution requested, but was denied. Now with the combined trail users of the Lake Country Trail and the Ice Age Trail and the current and projected increased levels of traffic, the need for the grade-separated crossing is evident.

We are asking you to reconsider your decision, and continue to study the alternative of a combined grade-separated crossing. You have previously stated that preliminary concept plans and estimates were generated following our joint meeting on-site, at which a grade-separated crossing was the concensses for the safest solution. Please forward a copy of this information for our review. After which, we are requesting another meeting to further discuss the best solution.

1

Sincerely,


Jason Wilke
Senior Landscape Architect

Attachments

CC: Jim Kavemeier, WCP
Dan Kaemmerer, DNR
Steve Berg, RA Smith
Kevin Thusius, Ice Age Trail

Parks Systems Division
1320 Pewaukee Road • Room 230
Waukesha, Wisconsin 53188-3868
Phone: (262) 548-7790 • Fax: (262) 896-8071

Comment Response—Waukesha County Parks and Land Use Department
(letter dated May 28, 2004)

Comment #1

Issue: Requested that WisDOT continue to study the alternative of a combined grade-separated crossing for the Lake Country Trail and Ice Age Trail. Requested a copy of WisDOT's preliminary concept plan and cost estimates for a grade-separated crossing and another meeting to discuss the alternatives.

Response: Design concepts and cost comparisons for WisDOT's preferred (two-fold) alternative were provided to Waukesha County on June 28, 2004. The preferred alternative included:

- (1) Rerouting the Lake Country Trail (potential to combine with Ice Age Trail) crossing to the signalized County DR/Golf Road intersection.
- (2) Consideration of a grade-separated trail crossing in the future based on interested agencies securing funding for design and construction of a grade separated crossing and entering into an agreement with WisDOT for outside agency ownership and maintenance of a grade-separated structure.

An interagency meeting to discuss WisDOT's preferred alternative for the trail crossing alternative was held on November 8, 2004.



December 2, 2003

Karl Pierce, WisDOT Project Manager
141 N W Barstow Street
PO Box 798
Waukesha, WI 53187-0798

Mr. Pierce:

Thank you for sending us the Draft Environmental Impact Statement (EIS) for the SHY 83 Corridor Study in Waukesha County. We appreciate your attention to our concerns regarding the Ice Age National Scenic Trail and property owned by the Ice Age Park and Trail Foundation, Inc (IAPTF). Please accept this letter as the official comments from the IAPTF.

Regarding the Ice Age Trail crossing of SHY 83, we continue to believe that a grade separated trail crossing is warranted. First, there is a serious safety concern when pedestrians are crossing a 4-lane road where speed limits are 50 mph with actual travel speeds even greater. Increased vehicle traffic (26,000 by 2026 [EIS 1-7]) increases the potential of a serious accident. Second, an at-grade crossing will continue to act as a barrier to and limit public use of both the Ice Age Trail and nearby Lake Country Trail. Third, there is the prospect of combining the Ice Age Trail crossing with that of the County-administered Lake Country Trail. If the needed grade separated crossing were approved, the IAPTF would be willing to work with Waukesha County Parks to move the Ice Age Trail from its current location to link up with the grade separated crossing.

Concerning the Ice Age Park and Trail Foundation-owned property along the Bark River in the Village of Hartland, the following are our concerns and comments. Increased noise [see EIS 4-44] and visual [see EIS 4-13] pollution will significantly degrade the user's experience in the Hartland Marsh Ice Age Loop Trail area. The taking of 2.3 acres of wetland will further impact negatively the flora, fauna and hydrology in the area [see EIS 4-8].

Assertions in the EIS [5-4] that our Bark River property's primary use is "... wetland preservation and Bark River Corridor protection" and that "passive recreational use is incidental to the primary use" are unsubstantiated and in error. The property was acquired partly with State Stewardship funds because it is along the Ice Age Trail. The development of public use trails on the property was a condition of IAPTF's acquisition of the property. Therefore, section 4(f) and section 6(f) do apply.

1

Once again, it is our position that the overall impact of this taking, together with the cumulative impacts of other takings of public-use resources along the SHY 83 Study Corridor, should be mitigated by the construction of a grade separated crossing of SHY 83 near the top of the hill within 500 feet north of the current Lake Country Trail at-grade crossing. After our March 27, 2003 interagency meeting, we investigated the possibility of utilizing the hill on County property west of SHY 83 to reach the needed elevation and the County property east of SHY 83 for the new

grade separated crossing. We strongly encourage the further exploration of this option. We further feel that a signal as suggested in the draft EIS [2-27] would not thoroughly address the problem.

The official IAPTF contact for this project continues to be Kevin Thusius, Eastern Field Coordinator, 141 North Main St, West Bend, WI 53095; 262-306-6728.

Sincerely,



Christine Thisted
Executive Director

CC: Jim Kavemeier, Waukesha County
Dan Kaemmerer, DNR
Brigit Brown, DNR
Tom Gilbert, NPS
Kevin Thusius, IAPTF
Mary Ellen O'Brien, Transportation Environmental Management, Inc.
Thomas Huber, DOT
Steve Berg, R.A. Smith, DOT

Comment Response—Ice Age Park & Trail Foundation (letter dated December 2, 2003)

Comment #1

Issue: States opinion that Ice Age Trail parcel adjacent to the east side of WIS 83 between County KE and Cardinal Lane is subject to Section 4(f) of the U.S. DOT Act and Section 6(f) of the LAWCON Act because state stewardship funds were used in part to acquire the parcel, because it is along the Ice Age Trail, and because development of public use trails on the property was a condition of its acquisition. Disagrees that primary use is wetland preservation and Bark River corridor protection and that passive recreational use is incidental to the primary use as stated in the Draft EIS.

Response: The Federal Highway Administration (FHWA) has considered these additional comments on Section 4(f) and Section 6(f) applicability. Applicability of U.S. DOT Act Section 4(f) to particular properties considers input from the agency or agencies that own/administer the resource. However, the decision whether or not Section 4(f) applies to the property is made by FHWA. As stated in the Draft EIS and Final EIS, FHWA has determined that Section 4(f) does not apply to the Ice Age Park & Trail Foundation (IAPTF) parcel on the east side of WIS 83 between County KE and Cardinal Lane for the following reasons:

Although the parcel contains a hiking trail that connects to the present Ice Age trail about ½ mile east of WIS 83, the stated primary use of the parcel is open space, wetland preservation/management, Bark River protection, education, and pedestrian use/enjoyment and because it is not publicly owned. This characterization is based on information provided by the IAPTF in their April 2, 2003 letter (see Appendix C, page 10) that states: "This property was acquired for the public's benefit to protect the Bark River and allow pedestrian use and enjoyment. A portion of the property was purchased utilizing a grant from the Knowles-Nelson State Stewardship program which requires that the property remain in a natural state in perpetuity." Another source of information was the March 27, 2003 inter-agency coordination meeting at which the IAPTF representative indicated that the parcel is intended primarily for open space, wetland preservation and management, and educational use. It was noted that the parcel also contains a loop hiking trail that is separate from the Ice Age Trail. The Ice Age Trail is east of the parcel across Cardinal Lane and about ½ mile east of WIS 83.

As stated in the Draft EIS, Section 6(f) of the Land and Water Conservation Fund (L&WCF) Act is not applicable because no L&WCF funds were used in purchase or development of the parcel. However, the Draft EIS also notes that compensation similar to that required by the L&WCF Act would apply to the parcel because Stewardship funds were used to purchase a portion of the land.



May 14, 2004

Karl Pierce, WisDOT Project Manager
141 N W Barstow Street
PO Box 798
Waukesha, WI 53187-0798

Mr. Pierce:

We are writing this letter in response to your letter dated March 23, 2004, with regard to the WIS 83 Corridor Study, and specifically, the combined Lake Country/Ice Age Trail bicycle and pedestrian crossing north of I-94. Your decision that your preferred alternative is to reroute the combined crossing to the City DR/Golf Rd intersection is not supported by the Ice Age Park and Trail Foundation.

It is our belief that bicycle and pedestrian trail users, per your preferred alternative, will avoid the extra distance to the lighted intersection and cross at the current Lake Country Trail crossing. The extra stationary time for hikers and bikers while the lights cycle and change will likely be seen as excessive by the user and the extra distance traveled *in the wrong direction* will be seen as an unpleasant nuisance. At the current Lake Country Trail crossing, there is limited sight distance for eastbound crossers of southbound traffic, and, the traffic speeds and densities are high, especially with the proposed expansion of the highway. In addition, traffic counts on WIS 83 are projected by WisDOT to increase over 50% by 2026. The use of both trails is also likely to increase as efforts are underway to connect the IAT with existing sections to the northeast. Therefore, this alternative does not adequately address the serious safety issues of an at-grade crossing as they are now, and in the future.

At our meeting on March 27, 2003, a group of us that included R.A. Smith consultants looked at the trail overpass possibility and decided it was an agreeable solution for a number of reasons. The west side of the highway has a higher elevation that would avoid the need to build a large structure, there are public lands on both sides of the highway, and the shared bridge for the Ice Age and Lake Country trails double the benefit.

The Ice Age Park and Trail Foundation would like to review your analysis of all alternatives for the trail crossings and requests that you mail that information to the addresses listed below. Once reviewed, we would like to have a meeting of all parties involved with this process, including the National Park Service, WDNR, Waukesha County, WisDOT, R.A. Smith and Associates and the Federal Highways Commission.

1

Sincerely,


Christine Thisted White
Executive Director

cc:

✓ Steve Berg
Tom Gilbert
Jim Kaverneier
Maureen Millman
Dan Kaemmerer
Governor James Doyle

Comment Response—Ice Age Park and Trail Foundation
(letter dated May 14, 2004)

Comment #1

Issue: Requested that WisDOT continue to study the alternative of a combined grade-separated crossing for the Lake Country Trail and Ice Age Trail. Requested a copy of WisDOT's preliminary concept plan and cost estimates for a grade-separated crossing and another meeting to discuss the alternatives.

Response: Design concepts and cost comparisons for WisDOT's preferred (two-fold) alternative were provided to Waukesha County on June 28, 2004. The preferred alternative included:

- (1) Rerouting the Lake Country Trail (potential to combine with Ice Age Trail) crossing to the signalized County DR/Golf Road intersection.
- (2) Consideration of a grade-separated trail crossing in the future based on interested agencies securing funding for design and construction of a grade separated crossing and entering into an agreement with WisDOT for outside agency ownership and maintenance of a grade-separated structure.

An interagency meeting to discuss WisDOT's preferred alternative for the trail crossing alternative was held on November 8, 2004.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

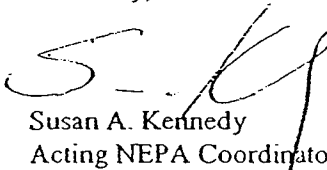
December 3, 2003

Mr. Karl Pierce
Wisconsin Department of Transportation
Transportation District 2
141 N.W. Barstow Street
Waukesha, Wisconsin 53187-0798

Dear Mr. Pierce:

Enclosed are comments on the Draft Environmental Impact Statement for Project I.D. 1330-15-00 Wisconsin State Highway 83 (County NN to WIS 16) Waukesha County, Wisconsin. We hope our comments will assist you. Thank you for giving us an opportunity to review this document.

Sincerely,


Susan A. Kennedy
Acting NEPA Coordinator

Enclosure



Printed on Recycled Paper



MEMORANDUM FOR: Susan A. Kennedy
Acting NEPA Coordinator

FROM: Charles W. Challstrom
Director, National Geodetic Survey

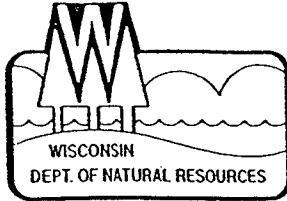
SUBJECT: DEIS-0310-06 Project I.D. 1330-15-00 Wisconsin State Highway
83 (County NN to WIS 16) Waukesha County, Wisconsin

The subject statement has been reviewed within the areas of the National Ocean Service (NOS) responsibility and expertise and in terms of the impact of the proposed actions on NOS activities and projects.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov> After entering the this home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about geodetic control monuments, please contact Galen Scott; SSMC3 8620, NOAA, N/NGS; 1315 East West Highway; Silver Spring, Maryland 20910; Telephone: 301-713-3234 x139; Fax: 301-713-4175, Email: Galen.Scott@noaa.gov.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8661
TTY 414-263-8713

December 3, 2003

Steve Berg
R.A. Smith & Associates, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005

Subject: STH 83 - CTH NN to STH 16 Corridor Study - Comments on Draft EIS
WisDOT# 1330-15-00
Waukesha County

Dear Mr. Berg:

Thank you for the opportunity to comment on the Draft EIS for the STH 83 Corridor Study. I have reviewed the Draft EIS and materials provided throughout the coordination of this project. I have coordinated with WDNR property managers, wildlife, fishery and water experts and would like to present WDNR concerns and comments.

Waterways

The Draft EIS identifies the high quality waterways within the STH 83 Corridor Study. Structures will impact the waterways and the Draft EIS proposes structures for each waterway. WDNR proposes that no final structure recommendations be completed until the project(s) are in design phase, when detailed hydraulic and fluvial geomorphologic information is available. Each waterway is a unique community that changes over time and each waterway crossing should be analyzed individually as the roadway project(s) progress.

1

For example, STH 83 crosses the Scuppermong Creek at the headwaters of that creek. Scuppermong creek historically supported a trout population due to high water quality and low temperatures. According to fisheries data, east of STH 83, there were historically a number of spring-fed ponds that supported trout and other cold water species. This area has great potential for restoration and revitalization of the cold water community. Any structure placed in or over the stream in this area could have a great impact on the cold water system and the surrounding wetland habitat. Research shows that culverts and pipes are barriers to fish and other aquatic species, while clear spans bridges have less impact. Thus, WDNR recommends that there be an analysis of the area before a decision is made on the type of structure used. There needs to be a greater commitment to protection of these cold water communities.

Scuppermong Creek, Genesee Creek and Spring Brook are all cold-water communities. October 1 through March 30 is the spawning, incubating and rearing period for trout. Therefore, the Department recommends that there be no in stream work during this time of year. Streams must not be temporarily diverted or rerouted starting September 15th, as this would interfere with trout migration. The term "relocation" should not be used in the Final EIS, as that infers a permanent "relocation" of the stream. There are not any stream relocations proposed in the Draft EIS, and the term may confuse readers.

2

Wetlands

According to Table 4-12 in the Draft EIS, 9.51 acres of wetland may potentially be impacted by the project, 8.81 acres of that total are ADID (Advance Identification Program) wetlands. ADID wetlands are wetlands that have been identified to be within Primary Environmental Corridor. Many of the ADID wetlands are within stream corridors. These wetlands deserve special attention, analysis and avoidance whenever possible. The Department recommends an alignment that would require the least amount of wetland fill for the road and bridges, in order to be consistent with the DNR-DOT Cooperative Agreement

The DNR would like to work closely with DOT to investigate potential areas for on site or near site mitigation. No specific areas were proposed for mitigation in the Draft EIS. This should be investigated and discussed in the Final EIS.

3

Invasive species can be a major threat to sensitive areas, whenever they are disturbed by construction. We recommend that you advise the construction contractors in all project(s) in the STH 83 Corridor to decontaminate the construction equipment so that invasive plant species seeds are not released into sensitive areas. Here is some language that can be used in the Special Provisions:

The contractor shall insure that all equipment to be used for the project has been adequately decontaminated for invasive seeds prior to being used on the project. The contractor shall use the following inspection and removal procedures for decontamination: Equipment should be power-washed to decontaminate any plant material and soil from the equipment used in the prairie and wetland areas.

Threatened and Endangered Species

In the letter dated May 21, 2002, I listed the Threatened, Endangered, and Special Concern Species listed in the Natural Heritage Inventory. However, the Draft EIS does not list any of the Special Concern Species. Special Concern species are species about which some problem of abundance or distribution is suspected but not yet proven. The purpose of this category is to focus protection on certain species before they become endangered or threatened, therefore these species should be addressed in the Final EIS and should be considered for protection in the future project(s).

4

In the "Highway 83 Herptile Assessment: Final Report" submitted to WisDOT by Gary Casper in March of 2003, Casper identified the Pickerel Frog (*Rana palustris* - a regionally rare species), the Butler's Gartersnake (*Thamnophis butleri* - a state threatened species) and the Blanding's Turtle (*Emydoidea blandingii* - a state threatened species), as species that may be impacted by construction along STH 83. Though Casper's report does not predict a direct impact to the Pickerel Frog and the Butler's Gartersnake, habitat for those species exists in the corridor. An increased amount of impervious surface (i.e. adding lanes or building a road where there wasn't one) would decrease water quality, and adversely impact this habitat for future use.

5

The Draft EIS proposes a conservation plan that would include habitat avoidance, exclusion techniques, habitat management, movement corridors, and monitoring. WDNR recommends that all these be included in a conservation plan, developed in coordination with WDNR, and should be addressed more specifically in the Final EIS. WDNR strongly recommends the proposal for movement corridors, exclusion techniques, and planning stream crossings with herptile species taken into consideration.

As stated in the Draft EIS, "The Off-Alignment Alternative (Alternative D) contains critical Blanding's Turtle habitat." Therefore, WDNR recommends that Alternative D not be acquired as an area for future development. It is our understanding that traffic counts do not require an off-alignment alternative at this time. If Alternative D is considered in the future, WDNR would require further evaluation of environmental impacts, additional surveys and long-term monitoring for Blanding's movement, and re-

delineation of the wetlands (as is required after five years). Future stormwater plans would need to provide buffers and address water quality in wetlands and streams.

It is our understanding that coordination with WDNR Bureau of Endangered Resources is on-going and the Final EIS will have a much more comprehensive discussion of Threatened, Endangered and Special Concern Species.

6

Recreation Areas and Trails

According to the Draft EIS, the existing access point at the Vernon Marsh will be "maintained and improved". WDNR concurs that increasing the site distance for vehicles entering and exiting the property would be a great safety improvement.

According to the Draft EIS, the overpass structure that takes STH 83 over the Glacial-Drumlin Trail will be replaced. WDNR recommends that a minimum of 10 feet in height (AASHTO standard) be maintained for bicyclists and other recreational users. WDNR concurs with connecting the Glacial-Drumlin with the proposed multi-use path along the west side of STH 83.

Lapham Peak and Waukesha County lands abut STH 83 between I-94 and STH 18. Presently there is a farm drive access to the Lapham Peak lands from STH 83. This access should be retained in the future as the road is improved. The access is needed primarily for emergency access (fire or rescue) and for maintenance/land management activities. This issue was not addressed in the Draft EIS.

7

The Lake Country Trail crossing of STH 83 will be adversely impacted by the proposed improvements in the STH 83 Corridor. The anticipated increase in traffic volume and the proposed WIS 83 improvements to provide for this increase will create an even greater safety hazard and adverse proximity impact at the existing trail crossing for users of the Lake Country Trail and future Ice Age Trail users. Moreover, the volume of trail use is going to significantly increase, due to trail extensions and links to other trails being developed in the STH 83 Corridor, further adding to the potential danger of this crossing.

We concur with the Ice Age Park and Trail Foundation which states in their letter of April 2, 2003 to Karl Pierce, WDOT project manager, that "the cumulative impacts of ...takings of public use resources along the SHY 83 Study Corridor should be mitigated by the construction of a grade separated crossing of SHY 83 at Naga-Wauke County Park." The installation of a grade separated crossing at this location would be in full accord with the WDOT *Wisconsin Bicycle Transportation Plan* (September, 1998) to "reduce crashes involving bicyclists and motor vehicles" (primary goal) and to "Plan and design new and improved transportation facilities to accommodate and encourage use by bicyclists (Objective 1)."

The issues of a crossing at the intersection of the Lake Country Trail and STH 83 must be resolved prior to the Final EIS. We look forward to coordinating with you on the analysis and resolution of these issues.

8

Stormwater

Impacts on wetlands or surface waters, directly or via engineered storm sewers must be assessed when the project(s) are in the design phase. Runoff from the highway should be controlled. Stormwater facilities may not be placed in wetland areas. WDNR recommends developing specific preliminary proposals for stormwater facilities, as future development will complicate stormwater issues.

WDNR is concerned with wet detention stormwater ponds that empty into cold water communities. Thermal pollution must be considered at these streams. Infiltration is recommended wherever possible.

9

On page 4-27 of the Draft EIS, "increasing the Bark River pond size" is mentioned as a stormwater facility. According to our records, the pond that is located east of STH 83 along the Bark River is a wetland mitigation parcel from 1992. Areas used for compensation for wetland impact on past projects cannot be used as stormwater facilities.

10

Alternative "D"

Previous correspondence states that current traffic counts do not warrant an off-alignment alternative in the Genesee Depot area. Alternatives that are on alignment have less impact than off alignment alternatives. The area that Alternative "D" would impact is primary environmental corridor. As stated in the Draft EIS, "The Off-Alignment Alternative (Alternative D) contains critical Blanding's Turtle habitat." Therefore, WDNR recommends that Alternative D be removed from further consideration. If Alternative D is considered in the future, WDNR would require further evaluation of environmental impacts, additional surveys and monitoring for Blanding's movement, and re-delineation of the wetlands (as is required after five years). Future stormwater plans would need to provide buffers and address water quality in wetlands and streams.

As plans are developed for this project, please provide copies to this office for review and concurrence. If you have any questions, feel free to contact me at (414) 263-8613 or maureen.millmann@dnr.state.wi.us.

Sincerely,

Maureen Millmann
Environmental Coordinator

Cc: Jay Waldschmidt, WisDOT, BEE
Robert Schmidt, WisDOT, District 2
Karla Leithoff, WisDOT, District 2
Karl Pierce, WisDOT, District 2
Dave Platz, FHWA
Newton Ellens, USEPA
Lisie Kitchel, WI-DNR, Bureau of Endangered Resources
Dan Kaemmerer, WDNR
Mike Thompson, WDNR
Richard Henneger, WDNR
Andrew Hanson, WDNR
Pam Schuler, US National Park Service
Tom Gilbert, US National Park Service
Kevin Thusius, Ice Age Trail Foundation
Jim Kavemeier, Waukesha County Parks

Comment Responses—Department of Natural Resources (letter dated December 3, 2003)

Comment #1

Issue: The Draft EIS (page 4-23, table 4-10) lists proposed structure types for the stream crossings along WIS 83. DNR recommends that proposed structure types be determined in a future engineering design phase when more detailed hydraulic information is available and to account for any change in stream characteristics that may occur over time.

Response: The preliminary proposed structures noted in Table 4-10, Draft EIS page 4-23 were based on "in-kind" replacement structures or widening/lengthening existing structures. Table 4-10 has been revised to include a column for existing structures and a note indicating that appropriate structure types for each stream crossing will be determined in a future engineering design phase in consultation with DNR.

Comment #2

Issue: DNR indicates there should be no in-stream construction from October 1 through March 30 [of any construction year] to protect cold-water fishery resources in Scuppernong Creek, Genesee Creek, and Spring Brook. DNR also suggests that the term "relocation", as it relates to streams, should not be used in the EIS because it infers permanent relocation of a stream while no such relocations are proposed for the WIS 83 project.

Response: The first bullet in the second paragraph on Draft EIS page 6-4 includes DNR's recommendation that no in-stream construction occur from October 1 through March 30 of any construction year to protect cold water fishery resources. The term "relocation" has been removed and the first bullet has been revised as follows:

"No in-stream work in Scuppernong Creek, Genesee Creek and Spring Brook between October 1 and March 30 of any construction year to protect fish spawning. Further, any temporary stream diversions for potential structure staging should be done prior to September 15th of any construction year to protect fish migration."

Comment #3

Issue: The Draft EIS did not mention any potential wetland mitigation sites. Potential sites should be investigated and discussed in the Final EIS. DNR also indicated a desire to work with WisDOT on evaluating possible mitigation sites.

Response: Information on potential wetland mitigation sites is included in Final EIS Section 7, Wetlands—Only Practicable Alternative Finding.

Comment #4

Issue: The Draft EIS does not list any of the special concern species that may be present in the WIS 83 corridor. These should be addressed in the Final EIS and should be considered for protection when the proposed project is constructed in the future

Response: Information on special concern fish species is provided on Draft EIS page 3-13 and Page 3-21 references the DNR letter in Appendix C that contains information on special concern species. The discussions on threatened, endangered, and special concerns species has been updated in Final EIS Sections 3, 4, and 6 based on additional input from the DNR Bureau of Endangered Resources (see letter in Appendix D, page D-17).

Comment #5

Issue: A conservation plan should be developed in consultation with DNR to protect habitat and movement corridors for the Blanding's Turtle, Butler's Gartersnake, and Pickerel Frog for which habitat is present in the WIS 83 corridor. The conservation plan should also be discussed in the Final EIS.

Response: The discussion on conservation plans for threatened, endangered, and special concern species has been updated in Final EIS Section 3, 4, and 6 based on additional information from DNR Bureau of Endangered Resources. (see Appendix D, page D-17).

Comment #6

Issue: The Final EIS should include a more comprehensive discussion of Threatened, Endangered, and Special Concern species based on additional coordination with the DNR Bureau of Endangered Resources.

Response: The discussions on threatened, endangered, and special concerns species has been updated in Final EIS Sections 3, 4, and 6 based on additional input from the DNR Bureau of Endangered Resources (see letter in Appendix D, page D-17).

Comment #7

Issue: The farm drive on WIS 83 that provides emergency access to Lapham Peak State Park should be maintained. This access point was not discussed in the Draft EIS.

Response: This item has been addressed in the Final EIS on page 4-57 where the following paragraph has been added: "Lapham Peak State Park, located west of WIS 83 between US 18 and I-94, is outside the area of potential effect for proposed WIS 83 improvements. However, DNR has indicated there is a private farm drive that provides emergency access to the park from WIS 83. The existing farm drive will be maintained under the preferred alternative".

Comment #8

Issue: The Lake Country Trail/Ice Age Trail crossing of WIS 83 must be resolved prior to the Final EIS.

Response: The Lake Country Trail (potential to combine with Ice Age Trail) crossing of WIS 83 has been addressed, and a discussion has been added to pages 2-35, 4-59, 5-6, and 6-9 of the Final EIS.

Comment #9

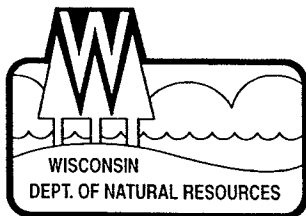
Issue: DNR is concerned about using wet storm water detention ponds in the vicinity of cold water streams and recommends infiltration storm water facilities where possible.

Response: Page 4-27 of the Draft EIS lists several locations where storm water ponds and/or infiltration basins will likely be required. A discussion on the use of dry ponds that allow storm water to infiltrate the soil when the proposed storm water facilities are located adjacent to cold water streams has been added to page 4-28 of the Final EIS.

Comment #10

Issue: DNR is concerned with using existing wetland compensation areas for proposed storm water facilities (parcel east of Bark River pond).

Response: The existing wetland mitigation site is not planned for any new storm water facilities. Impacts to the existing wetland mitigation site are minimized with beam guard and steep slopes. A site enhancement totaling 0.65 acres (0.26 ha) is planned in consultation with the DNR, US Army corps of Engineers, and the Ice Age Park and Trail Foundation (see Appendix D, pages D-5 and D-18) and pages 4-60 and 6-7 of the Final EIS.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
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FAX 414-263-8661
TTY 414-263-8713

April 26, 2004

Steve Berg
R.A. Smith & Associates, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005

Subject: STH 83 – Corridor Study – Response to Alternative Technical Memo
WisDOT# 1330-15-00
Waukesha County

Dear Mr. Berg:

Thank you for the opportunity to comment on the Recommended Alternative Technical Memorandum for the STH 83 Corridor Study. I have reviewed the Technical Memorandum and WDNR concurs with all of the preferred alternatives, with the exception of "County DR / Golf Road to Meadow Lane". The recommendation to reroute the crossing to the signalized Golf Road intersection segment that does not address the concerns previously expressed regarding the Lake Country Trail / Ice Age Trail crossing of STH 83.

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The Lake Country Trail / Ice Age Trail crossing of STH 83 will be adversely impacted by the proposed improvements in the STH 83 Corridor. According to the Technical Memorandum, traffic is expected to increase 53% by 2026. The anticipated increase in traffic volume and the proposed WIS 83 improvements to provide for this increase will create an even greater safety hazard at the existing trail crossing for users of the Lake Country Trail and future Ice Age Trail users. Moreover, the volume of trail use is going to significantly increase, due to trail extensions and links to other multi-use paths being developed in the STH 83 Corridor, further adding to the potential danger of this crossing.

As stated in previous correspondence, the issues of a crossing at the intersection of the Lake Country Trail and STH 83 must be resolved prior to the Final EIS. WDNR has not reviewed the alternatives for the intersection of the trails and STH 83 and requests a copy of full analysis of alternatives. We look forward to coordinating with you on the analysis and resolution of these issues. Disagreements will be handled through the Conflict-Resolution Process as outlined in the WDNR-WisDOT Cooperative Agreement.

It is the understanding of the WDNR that Alternative "D" is not a recommended alternative and we concur with that decision. Previous correspondence states that current traffic counts do not warrant an off-alignment alternative in the Genesee Depot area. If Alternative D is considered in the future, WDNR would require further evaluation of environmental impacts, additional surveys and monitoring for Blanding's movement, and re-delineation of the wetlands (as is required after five years). Future stormwater plans would need to provide buffers and address water quality in wetlands and streams.

It is the understanding of the WDNR that all alternatives recommended and carried forward will continue to be coordinated with WDNR and will minimize disturbance to the natural communities. I look forward to coordinating with you through construction of STH 83. If you have any questions, feel free to contact me at (414)263-8613 or maureen.millmann@dnr.state.wi.us.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Millmann".

Maureen Millmann
Environmental Coordinator

Cc: Jay Waldschmidt, WisDOT, BEE
Robert Schmidt, WisDOT, District 2
Karl Pierce, WisDOT, District 2
Dan Kaemmerer, WDNR

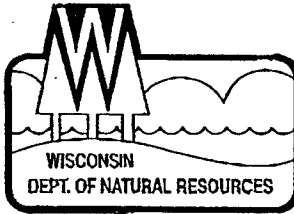
Mike Thompson, WDNR
Tom Gilbert, US National Park Service
Kevin Thusius, Ice Age Trail
Jim Kavemeier, Waukesha CO. Parks

Comment Responses—Department of Natural Resources (letter dated April 26, 2004)

Comment #1

Issue: DNR does not concur with the recommendation to reroute the Lake Country Trail (potential to combine with Ice Age Trail) crossing to the signalized County DR/Golf Road intersection.

Response: Additional coordination with DNR and WisDOT has occurred since receipt of this comment. As a result of this additional coordination, discussions for the recommended trail crossing have been updated on Final EIS pages 2-35, 4-59, 5-6, and 6-9.



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

May 7, 2004

IN REPLY REFEP TO: 1650

Mary Ellen O'Brien
Transportation Environmental Management, Inc.
313 Price Place, Suite 207
Madison, WI 53705

SUBJECT: Endangered Resources Information Review (Log Number 02-272)
STH 83 Corridor Study (from CTH NN to STH 16)
WISDOT #1330-15-00, Waukesha County

Dear Ms. O'Brien:

The Bureau of Endangered Resources has reviewed the Draft STH 83 Corridor Study as well as the revisions proposed for the preferred alternative for the Final EIS. We support the preferred alternative of remaining primarily on the existing alignment, and appreciate that impacts to natural communities, especially around the Genesee Depot area were avoided by proposing STH 83 remain two-lane within that sensitive area.

The preferred alternative decreases the number of threatened or endangered species of concern when compared to the potential number of species originally considered for all the alternatives, although there still are a number of species which should be considered in project design and construction.

Fish Species

A number of fish species are known or likely to occur in streams in the project area, these include; Ozark Minnow (threatened) and Lake Chubsucker (special concern) in Scuppernong Creek; Longear Sunfish (threatened) and Lake Chubsucker (special concern) in Genesee Creek; Slender Madtom (endangered), Pugnose Shiner (threatened), and Least and Mottled Darters (both special concern) in the Bark River.

Any crossings of the Bark River, Scuppernong Creek, and Genesee Creek should take into consideration the potential for listed fish species in those waters. Instream impacts should be avoided if possible, or minimized, and time of year restrictions may apply depending on the proposed activities. Strict sediment and erosion control measures should be implemented throughout all construction activities.

Herptile Species

Both the Blandings Turtle (threatened) and Butler's Garter Snake (threatened) are known to occur in wetlands or are associated with stream crossing along STH 83. A survey was conducted to determine their occurrence or potential habitat within the project corridor. There are a number of locations where

1

these species are known or likely to occur and provisions to avoid or minimize impacts to these species and their habitats will need to be considered during project design. Turtle barriers or passage should be considered in areas of high turtle concentrations, and snake passage areas may also be considered at appropriate locations. Please work with the staff in BER in the development of a conservation plan to address what actions may be necessary to protect these species and where.

2

Other herptile species, including the Pickerel frog and Bullfrog, were identified previously in the general project area but are not likely to occur in the proposed preferred alternative. However, if the project area around Genesee Depot is widened or off alignment alternatives are proposed in the future these species could be of concern and should be considered in any future environmental assessments.

Plants

Although a number of rare plants species occur in the general project area, none are known to occur along the preferred alternative and therefore impacts to known plant species would be avoided by the project as proposed. However, it is possible that additional rare plant species may be found in the project area, particularly during wetland delineations. If additional rare plant species are found within the preferred alternative, provisions will need to ensure they are avoided or other alternatives are implemented to protect the species.

Lepidopterans

A number of listed moth and butterfly species are known to occur in the sensitive area around Genesee Depot. Since the preferred alternative remains on alignment in this area, impacts to these species are not likely. However, if the project area around Genesee Depot is widened or off alignment alternatives are proposed in the future these species could be of concern and should be considered in any future environmental assessments.

Special Concern Species

Special concern species were not included in your initial corridor assessment. These are species about which some problem of abundance or distribution is suspected but not yet proven. The purpose of this category is to focus protection on certain species BEFORE they become endangered or threatened. Although these species are not legally listed, it is important to consider their protection during project planning to avoid or minimize impacts, if at all possible. These species should be included in any environmental assessment.

Invasive Species

Due to the high number of wetlands and stream crossings in the project area, and the sensitivity of some of these high quality areas, it is imperative that the spread or introduction of invasive species be addressed during project design and implementation. All equipment will need to be properly cleaned prior to the start of construction and may need to be cleaned between sites, if invasive species such as purple loosestrife or zebra mussels are in one wetland or watershed and not another. This will require an assessment of the occurrence of invasive species within the project construction corridor prior to the start of construction as well as monitoring to ensure that equipment is clean and not spreading these species.

3

Please keep the staff of BER informed as the alignment is refined so that we can work with you to avoid impacts to the species listed above. Other threatened, endangered, or special concern species or state natural areas previously considered in the general project area are not likely to occur or be impacted by the preferred alignment. However, should this alignment change we will need to reevaluate potential

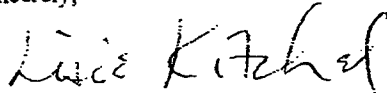
impacts to species in proximity to the project area. Comprehensive endangered resource surveys have not been completed for the project area. As a result, our data files may be incomplete. The lack of additional known occurrences does not preclude the possibility that other endangered resources may be present.

The specific location of endangered resources is sensitive information that has been provided to you for the analysis and review of this project. Exact locations should not be released or reproduced in any publicly disseminated documents.

This letter is for informational purposes and only addresses endangered resource issues. This letter does not constitute Department of Natural Resources authorization of the project and does not exempt the project from securing necessary permits and approvals from the Department.

Please give me a call at (608) 266-5248 if you have any questions about this information.

Sincerely,

A handwritten signature in cursive script that reads "Helen Elise Kitchel".

Helen Elise Kitchel
Environmental Review Specialist

cc: Maureen Millman - SER/Milwaukee
Robert Hay - DNR/BER

Comment Responses—DNR Bureau of Endangered Resources
(letter dated May 7, 2004)

Comment #1

Issue: Crossings of the Bark River, Scuppernong Creek and Genesee Creek should take into account the potential for threatened, endangered or special concern fish species in those waters (in-stream construction constraint dates, strict erosion control measures).

Response: Measures to minimize potential water quality impacts and fishery resource impacts (including in-stream constraint dates and erosion control) are discussed in EIS Section 6.

Comment #2

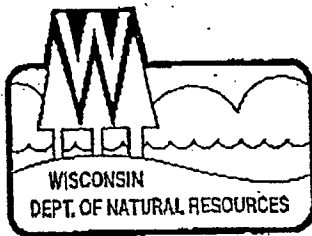
Issue: WisDOT should consider provisions to avoid or minimize impacts to habitat for the Blanding's turtle (threatened) and Butler's garter snake (threatened) during the project's design phase and work with DNR to develop a conservation plan for protecting these species.

Response: As discussed in EIS Section 4, the herptile assessment for the WIS 83 Corridor Study indicates the Butler's garter snake is not present in the area of potential effect for the proposed WIS 83 improvements. Habitat for the Blanding's turtle is present at three locations within the area of potential effect for the Preferred Alternative. WisDOT will make every effort to minimize encroachment on this habitat during a future engineering design phase. A conceptual conservation plan is provided in EIS Section 6.

Comment #3

Issue: Due to the number of wetland and stream crossings and the sensitivity of some of these high quality areas, it is imperative that the spread or introduction of invasive species be addressed during project design and implementation.

Response: Measures to minimize the possible spread of invasive species will be determined in consultation with DNR in a future engineering phase. This commitment has been included in EIS Section 6.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

June 27, 2005

Karla Leithoff
Wisconsin Department of Transportation
141 NW Barstow Street
Waukesha, WI 53187

Subject: STH 83 Corridor Study - Proposed impacts to WisDOT property near Bark River
WisDOT# 1331-05-00
Waukesha County

Dear Ms. Leithoff:

The Department of Natural Resources received your correspondence dated May 31, 2005 regarding the WisDOT property located near the Bark River on the east side of STH 83 in Waukesha County. As stated in your letter, we met in the field to discuss the existing pond and the future of the property. The Department has reviewed the proposal and concurs with the proposal. Please accept the following comments and recommendations:

- It is the understanding of the Department that the proposed activity will not occur until 2015. Before design and construction takes place, it is important that there is data collection to research how the pond is functioning and interacting with the Bark River, how stormwater from STH 83 has affected the pond, how redirecting the stormwater will affect the pond, how groundwater is affecting the property, and what is the best way to remove invasives and discourage re-establishment of non-natives.
- On the south side, I agree that it would be beneficial to clear some of the non-natives, however, it is important to leave the roots intact wherever possible in order to maintain stability of the slope. I concur with your proposal to re-grade the slopes from the existing tree line into the pond at an 8:1 slope, decreasing the depth of the pond.
- On the west side of the pond, the proposal is to grade the slope at 2.5:1 along the proposed highway and then graded at a 10:1 slope to the pond bottom and topsoiled and seeded.
- On the east and north sides of the pond, you proposed re-grading from the property line to the pond bottom at a 10:1 slope, while over-excavating 18" to remove Reed Canary Grass. I concur and I would like to stress the importance of the topsoil, seed and mulch being free of weed seeds.
- On the north side of the pond, there is a connection to the Bark River. It is not clear if this is an overflow from the pond, or if, at times, the Bark River backs up into the pond. It will be important to study this area in the future and determine how this area affects the interaction of the pond and the Bark River. It may be important to improve this area so that it functions in a way that is beneficial to the Bark River.
- During construction, it will be important to close off this connection so there is no disturbance to the Bark River.
- Currently, stormwater from STH 83 is being directed to the pond. As you and I discussed, when the road is widened, it would be best if stormwater is directed away from the pond. It will be important to keep pollutants out of the restored area as much as possible.

1

→ The Ice Age Trail (IAT) is the adjoining property owner to the north. Please be sure to coordinate with the IAT during design of the restored area.

2

Thank you for your coordination on this aspect of the project. It is important that these issues are dealt with early in the process so that the project can progress smoothly in the future. Please contact me as the project develops for further comments and recommendations.

Sincerely,

Maureen Millmann

Maureen Millmann

Environmental Coordinator

Cc: Robert Schmidt WisDOT - Southeast Region

Comment Responses—DNR Southeast Region Headquarters
(letter dated June 27, 2005)

Comment #1

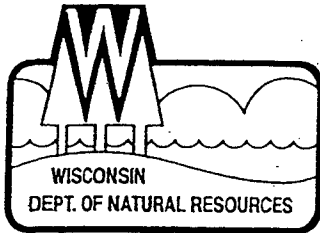
Issue: DNR has identified several factors that should be considered by WisDOT in a future engineering design phase to protect the existing Bark River wetland mitigation site (hydrology and hydraulics, invasive species, slope steepness, storm water management).

Response: Final design of the WIS 83 improvements at this location and measures to minimize adverse impacts to the wetland mitigation site will be developed in consultation with DNR in a future engineering design phase.

Comment #2

Issue: WisDOT should coordinate the proposed WIS 83 improvements in the vicinity of the Bark River wetland mitigation site with the Ice Age Park and Trail Foundation since they own the adjoining property to the north.

Response: Coordination with the Ice Age Park and Trail Foundation will continue in a future engineering design phase.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

October 31, 2005

Robert Schmidt
Wisconsin Department of Transportation
141 NW Barstow Street
Waukesha, WI 53187

Subject: STH 83 Corridor Study
WDNR Response to Conflict Resolution Meeting, July 26, 2005
WisDOT# 1330-15-00

Dear Mr. Schmidt:

Thank you for meeting with WDNR staff on July 26, 2005 to discuss the STH 83 Corridor Study issues discussed in WDNR correspondence dated November 23, 2004 (attached) requesting a WDNR – WisDOT Conflict Resolution Meeting. The meeting addressed the issues brought forth in the original correspondence. This letter will serve as a summary of what was discussed and resolved at the meeting.

There were two main issues discussed at the meeting. The first was the existing Lake Country / Ice Age Trail at-grade crossing of STH 83 north of Golf Road. Current and projected increases in STH 83 traffic volume pose safety issues at this crossing. WisDOT's consultant analyzed various alternatives and provided a cost estimate for each. Moving the trail from its present location to a marked, signalized, at-grade crossing at the intersection of Golf Road was determined to be more cost effective than a grade-separated crossing. WDNR concurs that this is a reasonable alternative.

WisDOT, with concurrence from Waukesha County, will include the Lake Country Trail crossing relocation work in the WisDOT ID# 1060-02-09 I-94 resurfacing project that is scheduled to be completed in 2007. As part of that project, the WisDOT project manager and the WisDOT Southeast Region Environmental Coordinator will coordinate with WDNR and Waukesha County to discuss crossing design specifics. Specific design features may include signage to direct trail users to the signalized intersection, fencing to discourage crossing STH 83 at an area that is not signalized, and rerouting the trail away from the traffic, perhaps through the existing Park 'n Ride. WDNR supports the recommendation that Waukesha County pursue grants from WisDOT and WDNR to build a grade-separated Lake Country/Ice Age Trail crossing of STH 83 north of Golf Rd.

The second discussion issue was the Ice Age Park & Trail Foundation (IAPTF) property that is located north of the Bark River on the east side of STH 83. The STH 83 Corridor Study recommended alternative will impact 2.3 acres of the IAPTF property. The IAPTF accepted WDNR Stewardship Grant funding and Management Contract obligations, including development and land use conversion restrictions, when the IAPTF acquired the property. WDNR and WisDOT have different interpretations of WDNR Stewardship Grant and Management Contract obligations for this property. WDNR has stated that this type of contract is equivalent to an easement and should be treated as such. WisDOT and FHWA have stated that they will not implement the 4(f) and 6(f) conversion processes.

D-19

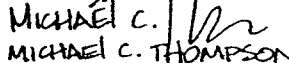
The STH 83 Corridor Study Environmental Impact Statement (EIS) will state the FHWA interpretation of the 4(f) status of the IAPTF property but will recognize the property as a valuable resource and commit to purchasing it at a fair market value. WisDOT will commit to coordinating with IAPTF and WDNR to ensure that the property is acquired in a manner consistent with Stewardship program requirements and the Stewardship Grant and Management Contract between the Department and the IAPTF. WDNR stewardship staff will work with IAPTF to ensure that property of equal value and recreational utility is acquired and/or other mitigation is completed as required by the original Stewardship Grant and Management Contract.

1

WDNR and WisDOT Southeast Region staff agreed that WisDOT and WDNR Central Offices' clarification is necessary so that this issue can be addressed before it comes up on future projects. Pending Central Office clarification, WDNR and WisDOT southeast region staff will implement the Cooperative Agreement process to resolve individual projects with WDNR Stewardship Grant and Management Contract issues.

Thank you again for meeting with WDNR to discuss the Lake Country /Ice Age Trail crossing and stewardship grant management issues related to the STH 83 Corridor Study. Please let me know if I have misstated or omitted any commitments. We look forward to receiving our copy of the final EIS for the STH 83 Corridor Study, WisDOT# 1330-15-00 and the opportunity to comment on design plans for the WisDOT I-94 resurfacing project, WisDOT# 1060-02-09.

Sincerely,


MICHAEL C. THOMPSON FOR
Maureen Millmann
Environmental Coordinator

Cc: Mike Thompson, WDNR
Dan Kaemmerer, WDNR
Tom Blotz, WDNR
Janet Beach Hanson, WDNR
Leslie Gauberti, WDNR

Don Berghammer, WisDOT
Karl Pierce, WisDOT
Kurt Flierl, WisDOT
James Kavernier, Waukesha Co. Parks
Christine Thisted, IATPF

-----Original Message-----

From: Millmann, Maureen [<mailto:Maureen.Millmann@dnr.state.wi.us>]
Sent: Tuesday, November 23, 2004 1:33 PM
To: Schmidt, Robert - DTD2
Cc: Thompson, Michael C
Subject: STH 83 Corridor Study: WDNR-WisDOT Conflict-Resolution Meeting

Bob ~

Please accept this written request for a WDNR-WisDOT Conflict - Resolution Meeting. Mike and I would like to meet with you and any others from WisDOT that you feel can help us to reach resolution on issues brought forth during the STH 83 Corridor Study. We understand that WisDOT has time schedules to follow for all projects and we wish to resolve issues in a timely manner in order to not disrupt your timeline.

Here is a proposed agenda!

STH 83 Corridor Study: WDNR-WisDOT Conflict-Resolution Meeting

Is there a project in the area of the Lake Country Trail Crossing?

* WDNR believes that proposed changes to the STH 83 corridor as outlined in the Draft EIS will significantly increase traffic on the highway and will have caused proximity impacts to the Lake Country Trail crossing at STH 83. Therefore the crossing should be considered part of the corridor and the proximity impacts should be analyzed in the EIS. WDNR will share this determination with Tom Gilbert, NPS.

4(f) Issues

* WDNR does not agree with the 4f determination regarding the Ice Age Trail property as presented in the Draft EIS page 5-5. WDNR's May 19, 2003 letter presented WDNR's interpretation of the 4(f) / 6(f) issues in the STH 83 corridor. We would like to discuss the discrepancies between WDNR interpretation and the Draft EIS. WDNR will contact Tom Gilbert, NPS and recommend that NPS work with FHWA to resolve the disagreement.

*

* Stewardship

* WDNR Stewardship funds were used to purchase the Ice Age Trail property. Deed restrictions limiting the development of the property are in place. The WisDOT STH 83 project will acquire 2.3 acres of the Ice Age Trail property. It seems that there is not a clear process to be followed when WisDOT projects impact these types of properties. None-the-less, WDNR would like to work cooperatively with WisDOT to address WDNR's stewardship interests. WDNR recommends that WDNR and WisDOT central office staff should prepare guidance for assessing these types of situations.

Options for separated grade crossing

* Please provide an assessment of a Lake Country Trail separated grade crossing using a culvert. There have been recent projects such as STH 45 near Kewaskum (Ice Age Trail - built) and STH 164 at the Bugline Trail (proposed to be built for \$150,000) that are significantly less than the price discussed during this project for an overpass. We would like to discuss all possible alternatives for a crossing.

Please contact us at your earliest convenience to schedule a meeting
at the WDNR offices.

Sincerely,
Maureen Millmann
P Environmental Coordinator
Wisconsin DNR, Southeast Region
2300 N. Martin Luther King Drive
Milwaukee, WI 53212
(414) 263-8613
maureen.millmann@dnr.state.wi.us

Comment Response—DNR Southeast Region Office
(letter dated October 31, 2005)

Comment #1

Issue: DNR requested that the Final EIS (Section 4(f)/Section 6(f) discussion) recognize the importance of the Ice Age Park and Trail Foundation parcel as a valuable resource and commit to purchasing it at fair market value and to coordinate with the Ice Age Park and Trail Foundation and DNR to ensure that the property is acquired in manner consistent with Stewardship program requirements.

Response: The discussion in EIS Section 5 (Section 4(f) and Section 6(f) applicability) has been revised to include DNR requested language.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

December 3, 2003

Mr. Karl Pierce, WisDOT Manager
Wisconsin Department of Transportation
141 N.W. Barstow Stret
Waukesha, WI 53817-0798

Re: WIS 83 Corridor Study
(County NN to WIS 16)
Waukesha County
Project ID 1330-15-00

Dear Mr. Pierce:

Thank you for sending us a copy of the Draft Environmental Impact Statement for the WIS 83 Corridor Study. We are responding on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.

We have reviewed this document for potential health and safety impacts on human populations and believe that these impacts were adequately addressed. This project should have very positive effects on the community and there should be very minimal threats to health and safety from project construction if the mitigation measures discussed are followed. Therefore, we have no project specific comments to offer at this time.

Please send us a copy of the Final EIS when it becomes available. We would also appreciate receiving, any future environmental impact statements which may indicate potential public health impact and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Paul Joe, DO, MPH
Medical Officer
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention

**E-mail Comments From
Wisconsin Department of Transportation
Bureau of Aeronautics**

> -----Original Message-----
> From: DeWinter, Thomas
> Sent: Monday, October 27, 2003 3:22 PM
> To: Pierce, Karl
> Subject: Public hearing notice
>
> I received a public hearing notice for project 1330-15-00 for
> expanding Hwy 83 between CTH NN and Hwy16.
>
> It appears that this project is far enough away from the Waukesha
> County airport (Crites Field) that it should pose no problems to the
> airport. However be advised that in the event that high cranes or
> other equipment that would penetrate a plane of 100:1 from the nearest
> public use airport runway would require a form to be filled out. I
> would not anticipate that this would occur with normal highway
> construction equipment. Additionally, height limitation zoning extends
> 3 miles from the airport property. Again I would not anticipate this
> would have an effect on the project.
>
> Sincerely,
>
>
> Thomas A. DeWinter, P.E.
> Airport Development Engineer
> WisDOT-Bureau of Aeronautics



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ER 03/859

DEC 15 2003

Mr. Bruce E. Matzke
Division Administration
Federal Highway Administration
High Point Office Park
567 D'Onofrio Drive
Madison, Wisconsin 53719-2814

Dear Mr. Matzke:

As requested, the Department of the Interior (Department) has reviewed the September 2003 Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the **WIS-83 Corridor Study (County NN to WIS-16)**, Waukesha County, Wisconsin. The Department offers the following comments and recommendations for your consideration.

SECTION 4(f) EVALUATION COMMENTS

Section 5 of the draft EIS provides a discussion of the potential applicability of Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)) to various resources in the project area, including historic properties, parks, recreation trails, and wildlife areas that are publicly owned or under public easement. This list includes one wildlife area (Vernon Marsh Wildlife Area), three similar properties (Spring Creek Parkway Easement, Scuppernong Creek Parkway, and Ice Age Park and Trail Foundation Parcel), a historic district (Genesee Woolen Mill), four historic properties (Union House, Old Genesee Town Hall, Magee-Oliver Farmstead, and Albert Campbell Residence), a National Historic Landmark (Ten Chimneys Complex), two parks (Wales Community Park and Naga-Wauke County Park and Golf Course), and three trails (Glacial Drumlin State Trail, Lake Country Trail, and Ice Age National Scenic Trail).

Wildlife Habitat and Other Areas

The draft EIS indicates that the Vernon Marsh Wildlife Area, the Spring Creek Parkway Easement, and the Scuppernong Creek Parkway have, as a primary use, the preservation of wildlife habitat. Incongruously, the evaluation indicates that Section 4(f) does not apply because the primary designed use for both these areas is, among other things, wildlife habitat preservation and that passive recreational use is incidental to this primary use. The Section 4(f) determinations for these properties focus entirely on the recreational use aspects of these areas and fail to address the question of the potential applicability of Section 4(f) to these areas as "wildlife refuges."

Section 4(f) applies to any publicly owned public park, recreational area or wildlife/waterfowl refuge, or any land from an historic site of national, State, or local significance. According to the Federal Highway Administration's (FHWA) Section 4(f) Policy Paper (revised June 7, 1989), publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land officially has been designated as such or when the Federal, State, or local officials having jurisdiction over the land determine that one of its major purposes or functions is for park, recreation, or refuge purposes.

Neither Section 4(f) nor the FHWA Policy Paper explicitly defines what constitutes a "wildlife or waterfowl refuge." A functional definition of a refuge has been provided by Congress in the National Wildlife Refuge System (NWRS) Administration Act of 1966 and the NWRS Improvement Act of 1997. As stated in the 1997 Act, the mission of the NWRS is "...to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Since the evaluation indicates that the primary designated use for the three areas is preservation of wildlife habitat, the Department believes that Section 4(f) may apply to the Vernon Marsh Wildlife Area, the Spring Creek Parkway Easement, and the Scuppermong Creek Parkway. The Department requests that the FHWA reevaluate the determination for each of the three areas; and, in the final Section 4(f) Evaluation, specifically address the applicability/non-applicability of Section 4(f) to each of the areas for "refuge" purposes. ①

This evaluation also states that Section 4(f) does not apply to the Spring Creek Parkway Easement because the land is privately owned. However, the evaluation fails to provide any information concerning the nature of the easement. The FHWA Policy Paper indicates that land subject to a public easement-in-perpetuity can be considered publicly owned for the purposes of which the easement exists. The final Section 4(f) Evaluation should provide sufficient information on this easement and reevaluate whether the Spring Creek Parkway is eligible to be considered a Section 4(f) property. ②

Finally, the Ice Age Park and Trail Foundation (IAPTF) property is 80 acres of land set aside for the preservation of land surrounding the Bark River and on-site wetlands for the use and enjoyment of the public. There is a hiking trail on the property, and some recreational activities (wildlife and wetlands viewing) are permitted. The property is privately owned by the IAPTF; but a portion of the 80 acres was purchased with State Stewardship funds, which require compensation for the taking of property. The property is also referred to as the Hartland Marsh. The Section 4(f) Evaluation determines that the property is not eligible to be considered under Section 4(f) because the use is primarily habitat preservation. As in the cases above, the Department does not believe that the lack of public recreational facilities removes an open space from consideration under Section 4(f) if the land functions as refuge land. In this particular case, the property is privately owned; but a portion was acquired with State funds. The Department believes the ownership question needs to be explored with ③

the Department of Natural Resources to determine whether the State Stewardship funds extend to the whole of the property and, if so, does that then qualify the property for consideration under Section 4(f)? Clearly, the property functions as de facto refuge land, since the land was set aside to protect the Bark River and the wetlands.

It should also be pointed out that, even if it is determined not to be publicly owned, the policy paper asks that FHWA "...strongly encourage the preservation of such privately owned lands" (de facto refuge lands). The evaluation states that WIS-83 should be expanded to the east into the IAPTF property to avoid impacts to a historic property. It would be helpful to have disclosed in the final evaluation the significance of the historic property, so the impacts to each can be carefully weighed.

Historic Properties

The Genesee Woolen Mill Historic District lies adjacent to the WIS-83 corridor. According to the draft EIS, the site lies approximately 500 feet east of the existing highway. The site is primarily preserving historical archeological remains of the woolen mills that operated on this site during the 1800s. The site apparently has been determined eligible for the National Register of Historic Places, but very little information on this property was included in the draft EIS or the Section 4(f) Evaluation. In addition, the documents do not provide maps or drawings clearly showing the boundaries of the historic district. The only exception is the inclusion of the site name (but apparently not the boundary) on the corridor study maps found at the end of the document. It simply cannot be determined from the information in the documents whether any of the alternatives will disturb lands within the boundary of the historic district. The Department notes that the Section 4(f) Evaluation states that there will be no disturbances of archeological materials by any of the alternatives, because none were found on field inspections and because the area had previously been disturbed. It concludes no further evaluation is necessary. However, Section 4(f) is triggered when there is a use of a historic site, taken here to mean the acquisition of property within the boundary of the historic district, for the purposes of the transportation project. This trigger does not consider whether actual remains may be impacted, only that a portion of the district is lost to the project. There is nothing in this document that sheds light on whether the district boundary exists in the area needed for the project. The Department requests this matter be evaluated further in the final EIS and Section 4(f) Evaluation.

The Union House was a former hotel and tavern built in 1861. The Old Genesee Town Hall served the town of Genesee Depot for nearly 70 years. The Magee-Oliver Farmstead was determined eligible for the National Register as an example of Italianate architecture. The Albert Campbell Residence was eligible because of its association with Albert Campbell, a figure important in local history. None of the alternatives would result in a use of these properties and were dismissed from further evaluation. The Department would concur with that determination. The Ten Chimneys National Historic Landmark is nationally significant in the area of the performing arts for its association with Alfred Lunt and Lynn Fontanne. From 1922, until their deaths in 1977 and 1983 respectively, the property was the primary residence for Lunt and Fontanne and a social and cultural center of the American theater. The description in the evaluation of the impacts for the Four-Lane Corridor Preservation

Alternative is not clear. It states there will be a need for a "grading easement" for a 15-foot strip of land in front of the property, and some trees would be removed. Since there are no pictures of the property, maps showing the boundaries of the property, or any indication why the right-of-way would need a "grading easement," the Department would request the impacts proposed for this property be clearly defined and discussed in terms of use of the property as far as Section 4(f) is concerned. It should also be noted that the National Park Service, which is responsible for monitoring the impacts to National Historic Landmarks, feels that any impact to this property would likely be seen as adverse. Mr. Brian McCutchen, National Park Service, (NPS) Midwest Regional Office, 1709 Jackson, Omaha, Nebraska 68102, telephone 402-514-9360, is the contact for National Historic Landmarks in the State of Wisconsin.

5

Park Properties

Wales Community Park is an 80-acre park east of the existing alignment, owned and administered by the village of Wales, Wisconsin. The park has some development (soccer fields) but appears to be mostly open space reserved for preservation and recreation. The Section 4(f) Evaluation determines that the project will not use any property from the existing park should a tentative land exchange with the Wisconsin DNR be realized. The Department would concur with that determination.

Naga-Waukees County Park and Golf Course, on either side of the existing alignment, is owned and administered by Waukesha County and offers a wide range of outdoor recreation. The county park and golf course consists of 416 acres with lakes for picnicking, swimming, camping, and boating. It also offers hiking trails, play fields, and a regulation 18-hole golf course. The Section 4(f) Evaluation states there would be no changes to the existing four-lane roadway in this portion of the project and no use of park lands would occur. The Department would concur with that determination as long as there are no changes in the existing alignment.

Trails

The Glacial Drumlin State Trail (State Trail) is a 47-mile long former railroad corridor that connects the city of Waukesha with Cottage Grove. The State Trail is owned and administered by the DNR and provides hiking and biking along its corridor. The State Trail is crossed by the project near Highway U.S. 18. The Section 4(f) Evaluation states that the current alignment crosses the trail on an overpass structure that will be replaced, but this would not affect trail use. The Department believes there may be temporary interruptions in trail use if the overpass structure is replaced and the sight distances on the current alignment are improved by cutting the hill by three feet. Temporary construction easements do not trigger a use under Section 4(f) as long as certain criteria are met. We would request that FHWA refer to question 22 of the policy paper concerning "Temporary Construction Easements," and make sure the final evaluation presents information that would satisfy the criteria.

The Lake Country Trail is a 9-mile long trail that connects the city of Waukesha with the town of Summit. The Lake Country Trail provides hiking and biking recreation, partially along the Ice Age Trail corridor. The Ice Age National Scenic Trail is Wisconsin's only State Scenic Trail and is a

designated National Scenic Trail. The Ice Age Trail is administered by the NPS in partnership with the DNR and the Ice Age Park and Trail Foundation. The Ice Age Trail is a 1,200-mile long national and State scenic trail located entirely in Wisconsin. The purpose of the Trail is to tell the story of the Ice Age and continental glaciation along a scenic footpath.

The Lake Country Trail crosses the existing WIS-83 alignment at an intersection north of County DR/Golf Road and occupies the southern portion of Naga-Wauke Park. The Lake Country Trail crosses the existing alignment at Mariner Drive and on the west side of the alignment occupies the north edge of Naga-Wauke Park. The long range plan is to have the Lake Country Trail cross WIS-83, occupy a short segment of Naga-Wauke Park east of the highway, then follow subdivision easements to County KE and the village of Hartland.

The Section 4(f) Evaluation indicates that no improvements would be made to the segment that contains the existing Lake Country Trail and the Ice Age Trail. The segment of the current highway that carries the unimproved portion of the Ice Age Trail would be widened to a four-lane, and would shift the location of the Ice Age Trail within the new alignment. The evaluation determines that only the portion of the project requiring a new alignment has the potential to affect Section 4(f) resources, but this portion would not be subject to Section 4(f) since the trail location occupies the highway right-of-way. The Department would concur with these determinations, but we would also like to point out that access to these trails is hampered by the traffic flow along WIS-83. We note the DNR and the IAPTF express a desire to see a grade-separated crossing of the combined Ice Age Trail and the Lake Country Trail. The Department also understands the increased width of the highway, along with the increasing traffic flow, will make the current crossing dangerous. The Department would like to see some commitment in the final evaluation to the proposal of the grade-separated crossing. The draft evaluation only mentions the letters and the meeting held in March of this year where this was discussed.

6

ENVIRONMENTAL IMPACT STATEMENT COMMENTS

The Department wishes to express its concern that portions of the EIS were lacking. Primary in this concern was the lack of adequate maps. The maps were either too large in scale or too detailed with information to make them useful. As an example, the maps contained in the pocket in the back of the document were well done, but it appears that all possible layers of information available for analysis were included on these maps. That level of detail made them complicated. Despite the detail on those maps, reviewers could not find maps showing exactly where the project impacts were located. An example is in the discussion of the impacts to the Ten Chimneys property. The simple description of the impacts is insufficient to explain the easement needed and the trees to be removed. It would have been helpful if there had been a map showing the property, its boundary, and the road right-of-way.

The Department finds the subject document, with the exception of the Section 4(f) determinations and the issues surrounding the maps discussed above, adequately addresses the concerns of the Department regarding fish and wildlife resources, as well as species protected by the Endangered Species Act, and other resources important to the Department.

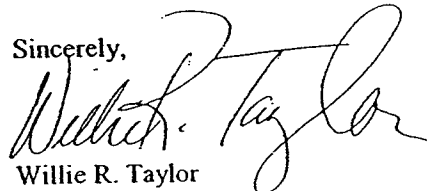
SUMMARY COMMENTS

The Department cannot concur that there are no feasible or prudent alternatives to the proposed action identified in this document. We have also expressed our concern that some additional properties may be eligible to be considered as Section 4(f) properties and will expect the final evaluation to consider our suggestions on including additional information on these, as mentioned above. We would also not concur, at this time, that all possible planning needed to minimize harm has been done since there may be other properties to consider. Finally, we have concerns over the ability of reviewers to understand some of the impacts because there is either too much information included in the maps or some additional maps might be necessary.

The Department has a continuing interest in working with the FHWA and the Wisconsin Department of Transportation to ensure that impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with the FWS on fish and wildlife matters and threatened and endangered species, please contact the Field Supervisor, U.S. Fish and Wildlife Service, 2661 Scott Tower Drive, New Franken, Wisconsin 54229; telephone 920-866-3650; fax 920-866-1710. For matters related to Section 4(f) resources, please contact the Regional Environmental Coordinator, National Park Service, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-7286.

We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor

Director, Office of Environmental
Policy and Compliance

cc:

Mr. Jay Waldschmidt
Bureau of Environment
Wisconsin Department of Transportation
Post Office Box 7915
Madison, Wisconsin 53707-7915

Comment Responses—Department of the Interior (letter dated December 15, 2003)

Comment #1

Issue: DOI states their opinion that the requirements of Section 4(f) of the U.S. DOT Act apply to the Vernon Marsh Wildlife Area, the Spring Creek Parkway Easement, and the Scuppernong Creek Parkway. DOI considers these resources to be "wildlife refuges" because the primary designated use is preservation of wildlife habitat and notes that Section 4(f) applies to any publicly owned park, recreational area or wildlife/waterfowl refuge, or any land from an historic site of national, state or local significance.

Response: The Federal Highway Administration (FHWA) has considered these additional comments on Section 4(f) and Section 6(f) applicability. Applicability of U.S. DOT Act Section 4(f) to particular properties considers input from the agency or agencies that own/administer the resource. However, the decision whether or not Section 4(f) applies to the property is made by FHWA. As stated in the Draft EIS, FHWA has determined that Section 4(f) does not apply to these resources because their primary use is not for public use recreational purposes. Also, while the properties do provide wildlife habitat preservation/management, open space and protection of natural resources, they are not designated as National Wildlife Refuges under the National Wildlife Refuge System Improvement Act of 1997.

Comment #2

Issue: DOI states their opinion that the requirements of Section 4(f) of the U.S. DOT Act apply to the Spring Creek Parkway Easement and notes that private ownership does not exclude the resource from Section 4(f) applicability.

Response: FHWA agrees that private ownership with an easement would not automatically exclude a property from Section 4(f) applicability. The Draft EIS does not make this assertion. The reasons why FHWA has determined this property is not subject to Section 4(f) are provided in Comment Response #1 above.

Comment #3

Issue: DOI states their opinion that the requirements of Section 4(f) of the U.S. DOT Act apply to the Ice Age Park and Trail Foundation parcel adjacent to the east side of WIS 83 between County KE and Cardinal Lane. DOI believes Section 4(f) is applicable because there is a hiking trail on the property, because recreational activities (wildlife and wetland viewing) are permitted, because a portion of the land was purchased with state Stewardship funds, and because it is a de facto wildlife refuge since the land was set aside to protect the Bark River and adjacent wetlands.

Response: See Ice Age Park & Trail Foundation Comment Response #1. In addition, this property is not designated as a National Wildlife Refuge under the National Wildlife Refuge System Improvement Act of 1997, and is not publicly owned.

Comment #4

Issue: The Draft EIS does not provide enough information or suitable graphics to explain/illustrate the project's potential effects on the Genesee Woolen Mill Historic District. Thus, it is not possible to ascertain whether the proposed project would have an adverse effect or whether Section 4(f) would be applicable.

Response: At the Draft EIS stage, the assessment of effects under Section 106 of the National Historic Preservation Act was preliminary pending selection of a recommended alternative. A recommended alternative has been selected and the assessment of effects has been completed. The State Historical Society has concurred that the recommended alternative will not have an adverse effect on the Genesee Woolen Mill Historic District (see Memorandum of Agreement in Appendix D, page D-9).

No right-of-way will be acquired from this property and there will be no change to the property's characteristics for which it was found eligible to the National Register. Therefore, no further Section 4(f) evaluation is required. A graphic showing the Genesee Woolen Mill Historic District and proposed WIS 83 improvements has been added to Final EIS Section 5 (Exhibit 5-1).

Comment #5

Issue: The Draft EIS does not provide enough information or suitable graphics to explain/illustrate the project's potential effects on the Ten Chimneys property. Thus, it is not possible to ascertain whether the proposed project would have an adverse effect or whether Section 4(f) would be applicable.

Response: At the Draft EIS stage, the assessment of effects under Section 106 of the National Historic Preservation Act was preliminary pending selection of a recommended alternative. A recommended alternative has been selected and the assessment of effects has been completed. The State Historical Society has concurred that the recommended alternative will not have an adverse effect on the Ten Chimneys property (see Memorandum of Agreement in Appendix D, page D-9). No right-of-way will be acquired from this property and there will be no change to the property's characteristics for which it was found eligible to the National Register. Therefore, no further Section 4(f) evaluation is required. A graphic showing the Ten Chimneys property and proposed WIS 83 improvements has been added to Final EIS Section 5 (Exhibit 5-4).

Comment #6

Issue: The Lake Country Trail/Ice Age Trail crossing of WIS 83 must be resolved prior to the Final EIS.

Response: The Lake Country Trail (potential to combine with Ice Age Trail) crossing of WIS 83 has been addressed, and a discussion has been added to pages 2-35, 4-59, 5-6, and 6-9 of the Final EIS.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229-9565
Telephone 920/866-1717
FAX 920/866-1710

April 13, 2004

Mr. Steve R. Berg, P.E.
R.A. Smith & Associates, Inc.
16745 West Bluemound Road
Suite 200
Brookfield, Wisconsin 53005-5938

re: Proposed Highway Improvements
Project ID 1330-15-00
WIS 83, CTH NN to WIS 16
Waukesha County, Wisconsin

Dear Mr. Berg:

The U.S. Fish and Wildlife Service (Service) has received your letter, dated April 2, 2004, and the Recommended Alternative Technical Memorandum, dated March 15, 2004, requesting concurrence on the selection of the preferred alternative for the above-referenced project.

Based on a review of information in our files and provided in your memorandum, we concur with the selection of the preferred alternative.

Please provide us copies of any future documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

Federally-Listed Threatened and Endangered Species and Critical Habitat

At this time, the eastern prairie-fringed orchid (*Platanthera leucophaea*) is the only federally-listed species known to occur in Waukesha County.

Currently, there are no known federally-listed threatened or endangered species or critical habitat present at the project site. However, over time, habitats at or near the project site may be utilized by listed or proposed species not present at this time. Further, fish, wildlife or plant species occurring within the project area may become federally-listed as threatened or endangered or proposed for listing; it is also possible that critical habitat could be proposed or designated for a species. Therefore, if there is a time lag between plan completion and execution, it is important to reassess the impact of the project on federally-listed or proposed species or designated critical

habitat prior to completion of the final project design and start of construction. In such instances, this office should be contacted for updated species and critical habitat information. Our species/critical habitat list is updated every 6 months.

As this project involves a Federal action (i.e., funding) and/or activity (i.e., permits), the lead Federal agency (e.g., Federal Highway Administration), or its designated agent, is responsible for contacting the Service regarding that agency's determination as to whether the selected project alternative may affect federally-listed threatened or endangered species or adversely modify designated critical habitat. Section 7 of the Endangered Species Act of 1973, as amended (ESA), directs Federal agencies to consult with the Service on such matters. The Service would respond as to whether we concur with the determination of the Federal agency or its designated agent. If the proposed project may adversely affect federally-listed threatened or endangered species or adversely modify designated critical habitat, the Federal action agency should initiate formal consultation with the Service in accordance with section 7 of the ESA. Information on the section 7 consultation process can be obtained by contacting the staff person identified at the end of this letter.

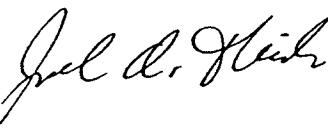
Wetland Mitigation

We note that there are some significant natural areas, including wetlands, in or near the project area. In refining and selecting project alternatives, efforts should be made to select an alternative that does not adversely impact streams or wetlands. If no other alternative is feasible and it is clearly demonstrated that project construction resulting in wetland disturbance or loss cannot be avoided, a wetland mitigation plan should be developed that identifies measures proposed to minimize adverse impacts and replace lost wetland habitat values and other wetland functions and values.

As roads and highways expand, it is important to take measures to minimize habitat fragmentation. If the highway bisects natural areas or habitat corridors, such as streams and riparian areas, we encourage the incorporation of measures to maintain connectivity and allow wildlife movement. We recommend that, wherever possible, bridges be constructed to allow wildlife to easily travel along the riverbank without being forced to enter the water or negotiate through riprap. Other solutions may include low shelves inside box and bottomless culverts and other structures to allow small terrestrial wildlife to pass under the highway.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Leakhena Au at 920-866-1734.

Sincerely,


for Janet M. Smith
Field Supervisor



IN REPLY REFER TO:
L7619 (IATR)

United States Department of the Interior

NATIONAL PARK SERVICE
Ice Age & North Country
National Scenic Trails
700 Rayovac Drive
Madison, Wisconsin 53711-2468

May 14, 2004

Mr. Karl Pierce
Project Manager
Wisconsin Department of Transportation
141 N.W. Barstow Street
P.O. Box 798
Waukesha, Wisconsin 53187-0798

Dear Mr. Pierce:

We are responding to your March 23, 2004, letter concerning options for a combined Lake Country Trail/Ice Age National Scenic Trail (NST) crossing of State Route 83 (WIS 83) north of I-94 in Waukesha County. Over the last 2 years, we have been working with you and your staff, the Federal Highway Administration (FHWA), R.A. Smith & Associates, the Department of Natural Resources (DNR), the Ice Age Park and Trail Foundation (IAPTF), and the Waukesha County Department of Parks and Land Use to resolve safety issues surrounding the trails' crossing of WIS 83. The crossing is within the project limits of Wisconsin Department of Transportation (WisDOT) Project I.D. 1330-15-00.

Through meetings, as well as through exchanges of letters and email messages, the Federal, state, local, and private partners in the Ice Age NST have expressed their concern over the safety of the crossing of the combined trails and the desire for a grade-separated crossing. This would reduce the number of trail crossings from two to one. Field investigations at a March 27, 2003, meeting suggested there was a feasible alternative to the present situation: a pedestrian/bicycle overpass for the combined trails crossing within the boundaries of Nagawaukee County Park. The ground elevation on the west side of the highway appeared to be of sufficient height for an at-grade connection at the west end of such an overpass, thus requiring an elevated support and ramp only at the east end of the structure.

In the draft environmental impact statement (EIS) released late last year, the following statement addressed this possibility (page S-6):

Additional engineering evaluation is underway to determine a suitable WIS 83 crossing location for the Lake Country Trail and Ice Age Trail. The objective is to evaluate the feasibility of a combined, grade-separated trail crossing in the area north of County DR/Golf Road near the present at-grade Lake Country Trail crossing.

Regarding this crossing, the U.S. Department of the Interior, in its comments on the draft EIS, stated:

We note that the DNR and the IAPTF express a desire to see a grade-separated crossing for the combined Ice Age Trail and Lake Country Trail. The Department notes that the increased width of the highway along with the increasing traffic flow will make the current crossing dangerous. The Department would like to see some commitment in the final evaluation to this proposal. (emphasis added)

Your March 23 letter announced WisDOT's decision to not provide a grade-separated crossing. Instead, you indicated that trail users would be directed to go south approximately .1 mile along SR 83 to the signalized commercialized intersection with Golf Road, cross with push-button pedestrian signals, and then return north approximately .1 mile along SR 83 to the trail alignment.

We believe this is an inadequate response to the continuity of these trails, one of them a national scenic trail, and to the safety of users. While the distance to the intersection is not great, we are concerned that, rather than follow this detour, trail users will be tempted to dart across this busy highway, which has a very limited line of sight for eastbound trail users. The public park ownership on both sides of the road and the west side elevation make a pedestrian/bicycle overpass extremely feasible at this location. The very heavy traffic passing through the Golf Road intersection, even during non-rush hour times, would seem to make interruption of the traffic flow for pedestrians and bikers not very desirable. Increased capacity and volumes in the future would seem to make it even less desirable.

Your letter makes the following offer:

If your agency wishes to pursue the option of a grade separation and securing funding, our office will assist in preparing the necessary request forms. We already have some preliminary concept plans and a preliminary cost estimate for a grade separation that we can make available.

We ask that those preliminary concept plans and cost estimates be sent as soon as possible to the National Park Service, DNR, IAPTF, and Waukesha County Parks representatives involved in this project for review. We realize that one of the complicating factors relating to such a facility is the fact that no roadway work is being done at this location—the highway is already four lanes wide. However, the expansion of traffic capacity both north and south of the four lanes through the park suggest that the traffic volume will be higher through the park after completion of the project. Your own traffic level projections verify this. The final EIS will need to address these indirect but potentially serious impacts to the health and safety of trail users since the draft EIS did not anticipate these impacts.

Once we have received the preliminary plans and cost estimates and had an opportunity to review them, we would like to meet again with WisDOT staff and all the affected parties to discuss the situation further. We would hope that it would be possible to arrive at a mutually

agreeable resolution. If we are not able to come to agreement, we will then need to weigh our options and consider other procedural avenues to bring about a resolution. However, we have great concern that the proposal as it stands will result in a severe impact to the trail and the safety of trail users.

We are also forwarding a copy of this letter to the Environmental Protection Agency for review pursuant to section 309(b) [42 U.S.C. 7609] of the Clean Air Act. In the meantime, if there are any questions about this matter, please contact me at 608-441-5610 or (email) tom_gilbert@nps.gov.

Sincerely,



Thomas L. Gilbert
Superintendent

cc:

Regional Director
National Park Service
Attn: Nicholas Chevance
1709 Jackson Street
Omaha, NE 68102

Regional Administrator
Environmental Protection Agency
Attn: Ken Westlake
Region V
77 West Jackson Blvd.
Chicago, IL 60604

Mr. Bruce E. Matzke, Division Administrator
Federal Highway Administration
567 D'Onofrio Drive
Madison, Wisconsin 53719

Mr. Steve Berg
R.A. Smith & Associates, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005

Ms. Maureen Millmann
Environmental Coordinator
Southeast Region
Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee, WI 53212

Ms. Christine Thisted White
Executive Director
Ice Age Park and Trail Foundation, Inc.
2453 Atwood Avenue, Suite 206
Madison, WI 53704

Mr. James Kavemeier
Director, Parks System Division
Waukesha County Department
of Parks and Land Use
1320 Pewaukee Road, Room 230
Waukesha, WI 53188-3868

Comment Response—Department of the Interior, National Park Service
(letter dated May 14, 2004)

Comment #1

Issue: The National Park Service continues to request a combined, grade-separated crossing for the Lake Country and Ice Age Trails and does not believe an at-grade crossing rerouted to the signalized County DR/Golf Road intersection will provide long term safety for trail users due to projected traffic increases in the County DR/Golf Road to Meadow Lane segment. The National Park Service requested copies of the concept plans and cost estimate that were developed by WisDOT for the grade-separated crossing and requested an additional inter-agency meeting to discuss the trail crossing issues and alternatives.

Response: As noted in Final EIS Section 2, WisDOT's preferred alternative for the Lake Country Trail (potential to combine with Ice Age Trail) crossing is two-fold to address safety concerns and to recognize agency requests for a grade-separated crossing:

- WisDOT will reroute and construct a Lake Country Trail (potential to combine with Ice Age Trail) crossing at the existing signalized WIS 83 intersection at County DR/Golf Road. Trail user push buttons and appropriate signing/markings will also be installed to provide a safer crossing.
- WisDOT will also consider a grade-separated trail crossing approximately 200 to 500 feet (61 to 152 meters) north of the present Lake Country Trail or an underpass on existing alignment. A future grade-separated crossing is contingent on interested agencies securing funding for final design and construction, and entering into an agreement with WisDOT on outside agency ownership and maintenance of the structure.

Because the trail crossing is in a WIS 83 segment where no nearby WIS 83 roadway construction is proposed prior to 2015, state funding law would require that the trail crossing be designed and funded as a stand-alone project or tied to a project within one-quarter mile. WisDOT is planning to construct the trail rerouting with a nearby I-94 resurfacing project.

WisDOT believes the preferred alternative as described above, provides flexibility for the possibility of a combined grade-separated trail crossing. The final decision will depend on whether interested agencies, including the National Park Service, are able to secure funding for the grade separation and enter into an agreement with WisDOT regarding future ownership and maintenance of the trail crossing.

Design concepts and cost comparisons for WisDOT's preferred (two-fold) alternative were provided to the National Park Service on June 28, 2004 and an additional inter-agency meeting was held on November 8, 2004.



U.S. Department of Housing and Urban Development

Wisconsin State Office
Suite 1380
Henry S. Reuss Federal Plaza
310 West Wisconsin Avenue
Milwaukee, WI 53203-2289

March 24, 2004

Mr. Karl Pierce
Program Manager
Transportation District 2
141 N. Barstow Street
Waukesha, WI 53187-0798

Dear Mr. Pierce:

RE: WIS 83 Corridor Study (County NN to WIS 16)

Thank you for providing our office with an opportunity to comment on the Draft Environmental Impact Statement for the WIS 83 Corridor Study.

HUD is concerned with providing a suitable living environment for all American families. The study provided an excellent analysis of potential impacts of the proposed project, and indicated it would not disproportionately affect minority and low-income populations.

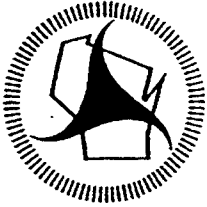
We encourage your continued cooperation with Wisconsin Historic Society, US Fish and Wildlife, and Wisconsin Department of Natural Resources since the study indicates there are numerous environmental resources, wetlands, environmental corridors and historic properties in the project area. It appears that WI DOT is committed to preserving these features to the extent possible while undertaking this project.

Again, we appreciated the opportunity to review and comment on the study. Should you have any further questions on this correspondence, you can reach me at 414/297-3214 extension 8108.

Sincerely,

A handwritten signature in cursive script, reading "Kathleen A. Schmidt", is positioned above the typed name.

Kathleen A. Schmidt
Field Environmental Officer



Wisconsin Department of Transportation

Division of Transportation
Infrastructure Development
Bureau of Equity and Environmental Services
4802 Sheboygan Avenue, Room 451
P.O. Box 7965
Madison, WI 53707-7965
Telephone: (608) 266-3761
Facsimile (FAX): (608) 266-7818

November 25, 2003

An Equal Opportunity Employer

Mr. David Grignon, THPO
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, Wisconsin 54135

Ms. Susette LaMere
Ho-Chunk Nation
Cultural Resources Division
PO Box 667
Black River Falls, WI 54615

Project ID 1330-15-00
STH 83
Waukesha County

As interested parties for this project, attached are the results of the archaeological studies. Both Phase 1 (identification) and Phase 2 (evaluation) studies were conducted for the potentially eligible sites located in the project area. The report entitled, *Results of a Phase I Archaeological Investigation of the STH-83 Study Corridor (CTH-NN—STH 16) and a Phase II Evaluation of the Chapman Site (47Wk590) in Waukesha County, Wisconsin*, was prepared by David Keene and Daniel Cain of Archaeological Research, Inc.

Results of the archaeological studies found there were no eligible sites in the project corridor. If you have questions regarding the report, please call me at (608) 266-8216.

A handwritten signature in cursive script, appearing to read "Shirley C. Stathas".

Shirley C. Stathas
Archaeological Program Manager

Attachment

Cc: Karl Pierce, District 2
Mary O'Brien, TEM

D-26



500 Genesee Street, Delafield, WI 53018-1896

December 2, 2003

Mr. Karl Pierce, Project Manager
Wisconsin Department of Transportation District 2
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Regarding: **Project I.D. 1330-15-00**
 Draft Environmental Impact Statement
 City of Delafield Comment

Dear Mr. Pierce:

The Delafield City Council has requested me to forward this letter providing comment on the Highway 83 Draft Environmental Impact Statement. Thank you on your efforts to gather input on this important project. The City of Delafield generally concurs with the proposed action regarding State Highway 83 as it travels through the Delafield city limits. The city reserves the right to provide additional comment at a later date regarding all aspects of the project. Although all of the issues outlined below are not specifically addressed in the DEIS, suggestions and comments are provided.

Here are some specific issues the City would like to be included in the project review:

- Safety statistics including accident data should be updated to reflect recent experience. Transportation system improvements have been made at key intersections (Heritage Drive at State Highway 83) since the study data was collected (2000). Those improvements should reflect a significant decrease in the number and severity of accidents at intersections in the city.
- Final plans and specifications should specifically illustrate the locations for local public utilities (water, sewer, storm sewer for example), and should specifically locate both vertical and horizontal locations of all existing utilities along the route of proposed improvements and within the construction limits. This information should be provided in a usable Geographic Information System format.
- Final design should preserve existing access points along Highway 83 and should anticipate the need for additional access points to accommodate plans for future community development.
- Project Section 6 should be constructed as soon as possible as there is a need to widen the highway from Meadow Lane through the Highway 16 interchange right now.

D-27

- Pursuant to our earlier discussions with WDOT representatives, the state should permit individual agreements to secure local cost share funding, if necessary. One community should not be permitted to "veto" the project by refusing to participate in any cost share formula. If the improvements are necessary, and we believe they are as Highway 83 travels through Delafield, the improvements should be made. If the state does not require local match payments from any other benefiting community, the City of Delafield should not be required to contribute a local match. The city's cost share percentage for the potential local match should be no more than previously identified in the state's origin-destination survey (18.4% of local match requirement).
- Table 3-2 should identify Colders Furniture, not Steinhafels.
- Page 3-27, and elsewhere in the report, needs to reference the city's purchase of the Geason property west of the intersection of Highway 83 and Oakwood Road, just west of the Kettle Moraine Evangelical Free Church parcel on the corner. The city's 37.339 acre parcel will be programmed for recreational use.
- Any grade separated trails should be multi-purpose trails rather than single purpose (i.e. hiking) trails.
- Highway C shall not be used as a truck detour route at any time during Highway 83 construction.
- The city encourages the use of high quality, low maintenance vegetation in the medians to supply year round color and visual interest in the medians and parkways throughout the project.

In conclusion, the City supports widening Highway 83 through the Delafield City limits and believes the improvements should be completed as soon as possible. We look forward to cooperating with the state and other agencies as this project unfolds.

Sincerely,



Matthew D. Carlson
City Administrator

cc Mayor and City Council
Tom Hafner, Public Works Director

VILLAGE OF WALES
129 WEST MAIN STREET • PO BOX 47
WALES, WISCONSIN 53183
PHONE (262) 968-3968 • FAX (262) 968-5649

November 20, 2003

Karl Pierce, Project Manager
Wisconsin Department of Transportation District 2
141 N.W. Barstow Street, P.O. Box 798
Waukesha, WI 53187-0798

Dear Mr. Pierce:

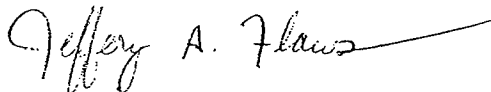
The Village Board of the Village of Wales has reviewed the Draft Environmental Impact Statement prepared by R.A. Smith and Associates for the WIS 83 Corridor Study. Given the major impact the highway has on the Village, we believe that a significant planning consideration must be the amelioration of the combined effects of traffic volume and road design. First and foremost, the 2000 Annual Average Daily Traffic (AADT) volume of 16,100 substantially exceeds the acceptable service level of 13,800 AADT for the existing urban/suburban 2-lane highway. In addition to the problems posed by the ever-increasing traffic volume, the road's physical division of the Village must be taken into consideration.

The use of the recommended landscaped medians will help soften the effect of the bifurcation of the Village. Additionally, the shelter that the medians provide for turning cars will assist motorists in dealing with the high traffic volume.

What remains to be addressed is minimizing the residential proximity impact caused by the expansion to 4 lanes with a median and multi-use path. The study acknowledges the need for this in its recommendation for the construction of a retaining wall on the west side of HWY 83 south of South Street. Unaccountably, the study fails to address the same problem on the east side of the highway south of South Street. As it is presently proposed, the slope of the shoulder in that location will effectively destroy the landscaped and screened yards and more than 100 trees of multiple residents. The Village finds this to be completely unacceptable and indefensible to those residents. We strongly support the provision of a similar retaining wall in this location, also.

The Village appreciates the addition of this wall to your plans.

Sincerely,
VILLAGE OF WALES



Jeffery A. Flaws
Village President

D-28



The Red Dragon is one of the national symbols of Wales and is seen on the Welsh flag. Merlin the magician is reported as telling his King, on finding two dragons fighting, "The white dragon is the Saxon, the red dragon is Cymru, and so they will fight, the red against the white, until at last the dragon of Wales is triumphant over the dragon of the Saxons". Others say the Welsh Dragon is directly descended from the griffin of the Romans and the Welsh national flag is therefore the oldest on earth. It should be noted that the Welsh Dragon has three feet on the ground, while the English dragon stands on two feet.

TOWN OF GENESEE

S43 W31391 HWY. 83
P.O. BOX 242
GENESEE DEPOT, WI 53127
(262) 968-3656
FAX (262) 968-3809

November 12, 2003

Mr. Karl Pierce, Project Manager
Wisconsin Department of Transportation District 2
141 N. W. Barstow
P. O. Box 798
Waukesha, WI 53187-0798

Dear Mr. Pierce:

The Town of Genesee Board is in receipt of the Draft Environmental Impact Statement submitted by the Department of Transportation. Please consider this letter the Board's formal response concerning the proposed improvements to the Highway 83 corridor through the Town of Genesee.

The alternatives presented in the County X to County DE/E section of Highway 83, where traffic is not expected to reach the threshold for additional capacity until sometime after Design Year 2026, included the following:

1. A "No Build" Alternative.
2. Reconstruction of the existing 2-lane highway to current design standards
3. A 4-lane Corridor Preservation Alternative on existing Highway 83 which preserves the right-of-way for a future 4-lane highway to be constructed when or if forecast traffic reaches the capacity expansion threshold at some point beyond 2026.
4. A 4-lane off-alignment Corridor Preservation Alternative, specifically known as Alternative "D" through the Genesee Depot area.

The Town of Genesee has previously gone on record in opposition to any further road widening in the "Genesee Village" and Genesee Depot areas, where a 2-lane reconstruction could use up to 100 feet of right-of-way. We wish to maintain the character and ambiance of these historic areas of our community. In addition, representatives of the Town, in discussions

November 12, 2003

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Mr. Karl Pierce, Project Manager
Department of Transportation District 2
141 N. W. Barstow
P.O. Box 798
Waukesha, WI 53187-0798

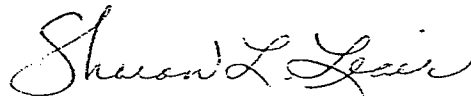
with your project engineer Steve Berg, agreed that as an alternative to road widening or loss of any business establishments in the Genesee Depot area, we would rather accommodate the loss of parking spaces on one side of Highway 83. Mr. Berg indicated he would recommend that option to the DOT. This would take place at such time as increased traffic may become a problem.

Alternative "D", the 4-lane off-alignment Corridor Preservation Alternative through Genesee would require 102 feet total right of way south from Highway D, eliminate two residences, and run through a beautiful and environmentally sensitive area of wetlands, rich with wildlife and threatened and endangered species and containing a Class A trout stream. In fact, if this Alternative D is allowed to remain, it threatens to destroy the Genesee Depot community. In addition, this project will have an adverse effect well beyond Highway 83 by disrupting the wetlands and recharge areas, tainting the quality of the local water supply, and harming the ecological balance of the two principle water sources for the Saylesville Mill Pond; namely, Genesee Creek and Spring Brook. Therefore, this Board does not support such an alternative.

In summary, the no build alternative is the preferred option through the areas of Genesee Village and Genesee Depot. If traffic problems develop in the future in the area of Genesee Depot, we would recommend the elimination of parking on one side of the street to avoid the necessity of road widening or loss of businesses or homes. We oppose the 4-lane off-alignment Corridor Preservation Alternative "D".

If you wish to discuss our position in further detail, please feel free to get in touch with me.

Sincerely yours,

A handwritten signature in cursive script, reading "Sharon L. Leair".

Sharon L. Leair, Chairman
Town of Genesee



November 19, 2003

Mr. Karl Pierce
District No. 2
Wisconsin Department of Transportation
141 NW Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

RE: Public Hearing for Highway 83
Concerns of the Town of Mukwonago

Dear Mr. Pierce:

I am writing this correspondence as a representative of the Town of Mukwonago. As Town Engineer, I was instructed by both the Town Board and Planning Commission to contact your office and forward a list of concerns we have with regards to the reconstruction of Highway 83 through the Mukwonago Township. These concerns include:

1. We are in favor of placing signalized intersections at both the Highway 83 and CTH I intersection, as well as the Highway 83 and Sugden Road/Frog Alley intersection.
2. We realize that the ultimate reconstruction may occur many years from now. However, we are asking that a deceleration lane/right turn lane be constructed for the southbound Highway 83 traffic turning west onto Road X. We believe this tee intersection should also have a passing lane for cars traveling northbound on Highway 83 at the Road X intersection. This issue would be considered an immediate concern as no right turn lane currently exists.
3. It has been asked by many of the Board members that median openings along Highway 83 be provided for the farmers who own land on both sides of the highway in order for the farmers to have efficient access from one field to another.
4. There is a significant vision problem at the intersection of Highway 83 and Sugden Road/Frog Alley. Sight distance for cars existing Frog Alley onto Highway 83 are restricted to the north by a large hill on the northeast side of this intersection. This geometry and alignment should be reviewed.
5. If at all possible, there should be no increase in speed limit along our section of Highway 83, in fact, a reduction of 5 to 10 mph through the Township should be analyzed.

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Ruekert·Mielke

engineering solutions for a working world

Mr. Karl Pierce
Wisconsin Department of Transportation
November 20, 2003
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These are the most current issues the Town would like to see implemented in your design for the reconstruction of Highway 83. We look forward to continuing our relationship with your office and appreciate your review of these comments.

If you should have any questions or comments regarding the above, please do not hesitate to contact our office.

Very truly yours,

RUEKERT/MIELKE

Sean M. Sullivan, P.E.

SMS:sjd
Enclosure

cc: David Dubey, Town Chairperson
Town Board
Plan Commission
Katherine Wilson, Town Clerk
John Macy, Town Attorney
Kathy Moore, Waukesha County
File